S. HRG. 99-881

EXTENDING AND AMENDING THE SIKES ACT AND ESTABLISHING THE BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE

HEARING

BEFORE THE

SUBCOMMITTEE ON
ENVIRONMENTAL POLLUTION

OF THE

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS UNITED STATES SENATE

NINETY-NINTH CONGRESS

SECOND SESSION

on

S. 1352 and H.R. 1202

BILLS AMENDING AND EXTENDING THE SIKES ACT

AND

S. 2741

TO ESTABLISH THE BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE IN THE STATE OF LOUISIANA

SEPTEMBER 17, 1986

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EXTENDING AND AMENDING THE SIKES ACT AND ESTABLISHING THE BAYOU SAUVAGE NATIONAL WILDLIFE REFUGE

WEDNESDAY, SEPTEMBER 17, 1986

U.S. SENATE,
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS,
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION,
Washington, DC.

The subcommittee met at 3:02 p.m., in room SD-406, Dirksen Senate Office Building, Hon. John H. Chafee (chairman of the subcommittee) presiding.

Present: Senator Chafee.

Senator CHAFEE. Ladies and gentlemen, we were about to start a hearing on two subjects, the extension and possible revisions of the Sikes Act, and second, the establishment of the Bayou Sauvage Urban National Refuge near New Orleans in Louisiana. However, the buzzer just sounded for a vote, so I am going to recess while I go and vote. We will start as soon as I get back. Thank you.

Senator Johnston is here, and we will thus take up the second item, namely, the Bayou Sauvage National Wildlife Refuge.

Senator, we welcome you here. What we plan to do is take your statement, and then as soon as you are through, we will recess to vote. When I return, we can take the others up. So we are delighted you can be here, and thank you very much for proceeding.

STATEMENT OF HON. BENNETT JOHNSTON, U.S. SENATOR FROM THE STATE OF LOUISIANA

Senator JOHNSTON. Thank you very much, Mr. Chairman, and thank you for allowing me to put in my statement at this time. Let me tell you that the Bayou Sauvage National Wildlife Urban Refuge is really a very exciting thing, not only for the State of Louisiana in the New Orleans area, but for the country as a whole.

What Merrill-Lynch proposes to do, and they are the owners of this, is to donate 19,000 acres very close to New Orleans. It is an area with a wide diversity of wildlife and wildlife habitat, fresh water marshes, lakes, shore lagoons, bayous, waterfowl population which often exceeds 40,000, public access via I-10 and U.S. 11 and Route 90, and they propose to donate this to the Fish and Wildlife Service.

They would, incidentally, as part of this, they would donate another almost 5,000 acres to a preservation trust run by the National Conservancy, which would, in turn, develop the area. What the

city of New Orleans gets out of it is a small area which would be developed in an environmentally proper and sensitive way.

Frankly, what Merrill-Lynch gets out of this is the tax deduction from making the donation. It is very important to get it out this year, frankly, because the tax rates are higher this year, and therefore, the tax deductions are higher this year.

But it is just a wonderful thing for the country and for our area, and I would urge, you, Mr. Chairman, to pass it this year, because it may not be possible to get this donation next year. It is vitally important for our area and for the country.

Thank you so much for hearing this.

Senator CHAFEE. Thank you very much, Senator. It is my understanding that Senator Long supports this. Is that correct?

Senator JOHNSTON. Yes, total support.

Senator CHAFEE. I know that Fish and Wildlife has some reservations. We are going to hear from them, but I must say, I am a believer in saving every acre of land that we can, particularly if it is wetlands. I know that Fish and Wildlife has financial problems, and there will be difficulty in managing this, but they would have to do some persuading to convince me that we shouldn't undertake this.

Let me ask you one quick question. Maybe the Nature Conservancy witness, Mr. Dennis, will go into this. I am not sure what is meant when they develop one of these areas. What does that mean?

Senator JOHNSTON. It is not the National Conservancy; it is a group that is a spring-off from the Nature Conservancy who will develop it in an environmentally sensitive way.

Initially, Merrill-Lynch was going to develop it, and that was not acceptable to the environmental groups, frankly, because they were afraid that without some real sensitive, development that development could be adverse to the area.

But we know the Nature Conservancy, in effect, is in control; with their guidelines, that the city of New Orleans will get the additional tax base.

The development is not in the refuge; it is north of I–10. It is on the other side of I–10, so it is close by but nevertheless, it is close enough to have to be developed in consonance with the refuge itself.

Senator CHAFEE. Fine. All right. Thank you very much, Senator. We will now recess and I will return shortly from the vote. Thank you very much.

[Short recess.]

Senator CHAFEE. I will put into the record a statement by Senator Long in connection with his support for the Bayou Sauvage National Wildlife Refuge. [See p. 21.]

Senator CHAFEE. Now, let's get back to the original order, and we will start with the Sikes Act and Mr. Stieglitz.

Why don't you proceed, Mr. Stieglitz.

STATEMENT OF WALT STIEGLITZ, ASSISTANT DIRECTOR FOR REFUGES AND WILDLIFE, FISH AND WILDLIFE SERVICE

Mr. STIEGLITZ. Thank you, Mr. Chairman. I appreciate the opportunity to testify on H.R. 1202 this afternoon. This is legislation that

would amend and extend the authorization for appropriations under the Sikes Act. The Service supports those provisions of H.R. 1202 that would reauthorize the Sikes Act. However, we would defer to DOD regarding most of the proposed amendments.

Service involvement with the Department of Defense predates the original 1960 Sikes Act. This early involvement was initiated in response to requests from the commanders interested in developing recreational fishing on their installations. The Service provided technical assistance, conducted basic surveys, developed management plans, and provided fish from its Federal hatcheries.

The passage of the Sikes Act in 1960 formalized the cooperative efforts of the two agencies and, most importantly, gave congressional recognition of the significant potential for fish and wildlife management and recreation on DOD lands.

Subsequent amendments have expanded the authority of the act to include consideration of fish and wildlife habitat improvements and the protection of threatened and endangered species.

The DOD controls almost 25 million acres of land that includes 19 million acres of manageable habitat for fish and wildlife. These lands provide excellent hunting, fishing, and nonconsumptive wildlife recreational opportunities.

As a local example, 53,000 acres of the Quantico Marine Base in Virginia are being managed for fish and wildlife in ways compatible with the military mission. On these lands in fiscal year 1985, approximately 15,000 hunter days and 8,000 angler days were expended by military and civilian personnel.

Additionally, in Maine, waterfowl habitat is being managed on Loring Air Force Base and at Cutler Naval Radio Station. New Boston and Pease Air Force Bases in New Hampshire have very active fish and wildlife management programs.

Fort Dix, Picatinny Army Arsenal, and naval facilities in New Jersey are also managing fish populations for recreational fishing. At Fort Carson, in Colorado, training operations are being rotated to reduce soil erosion and benefit wildlife.

A comprehensive fish and wildlife management plan was recently been completed for Mountain Home Air Force Base in Idaho. Extensive efforts have been expended to protect the habitat of the endangered red-cockaded woodpecker at Eglin Air Force Base in Florida and at Fort Bragg and Camp Lejeune in North Carolina. The China Lake Naval Ordinance Test Station in California is stocking the endangered Mohae chub in installation ponds to diversify this species and ensure its protection.

Past cooperation between the Department of the Interior and the DOD have enhanced the professional management of fish and wildlife on military lands. The Fish and Wildlife Service is continuing to provide this technical assistance, but on a cost-reimbursable basis. In fiscal 1985, the Service was reimbursed $480,000 by DOD for providing technical assistance; in fiscal 1986, the level of reimbursable assistance is expected to exceed $870,000.

Senator CHAFEE. That is a very remarkable increase. Obviously, it comes out of a DOD budget, and in effect, it is nearly doubled. Is that right? Can we truly expect that much?

Mr. STIEGLITZ. We didn't really anticipate that amount of increase, no, sir, but we do see an amount of interest on the part of the military, and they are, obviously, putting more emphasis on cooperative plans and active management of fish and wildlife resources.

Senator CHAFEE. In some instances, they have their own people out there, don't they?

Mr. STIEGLITZ. Yes, sir, they do have professional managers on a number of their installations.

Senator CHAFEE. What happens to that money when it is reimbursed? Does it come back to you or does it go into the general treasury?

Mr. STIEGLITZ. No, sir, that comes to the Fish and Wildlife Service under cooperative agreements. It is basically used to pay salaries and expenses of helpers.

Senator CHAFEE. How is it you are able to provide what in effect is twice as many man hours this year over the prior year? Let's assume if you are getting twice as much money, you are providing twice as many man hours, or roughly that.

Yet your budget itself has been reduced under the Gramm-Rudman. You took the 3-percent cut.

Mr. STIEGLITZ. Yes, sir.

Senator CHAFEE. How are you able to do this? My question, I might say, is leading into the next subject, which is your resistance to taking the Bayou Sauvage land.

Mr. STIEGLITZ. In answer to your question, Mr. Chairman, what has happened, and there is a relationship between the two items that you mentioned. Quite a number of our field personnel are involved in working with DOD on cooperative plans, fish and wildlife management plans on military installations.

Because of budget reductions, we probably would have had difficulty funding all established positions in some situations. The cooperation with the military did enable the coverage of the salaries of some personnel that otherwise might not have been funded because of budget reductions in the Fish and Wildlife base.

So it was a fortunate occurrence, I suppose, that the military had more money available, and we did have personnel available to do the work for them.

Senator CHAFEE. All right. Why don't you continue?

Mr. STIEGLITZ. I have just a bit more to do in my statement, Mr. Chairman. May I complete it?

Senator CHAFEE. Sure, go to it.

Mr. STIEGLITZ. Thank you. H.R. 1202 would amend the Sikes Act in several ways, and we defer to the views of the DOD on these amendments. We do agree, however, with the concept underlying proposed new section 101(b)(3) that fish and wildlife values and their conservation should be taken into account when multiuse natural resources management plans are developed.

Because fish and wildlife are important natural resources, they should be given equal standing with timber, farm land and other coexisting renewable resources.

This could be achieved through the development of fully integrated multiuse natural resources plans. The DOD has asked the Service to assist them in developing specific standards for prepar-

ing these multiuse plans. This should ensure that fish and wildlife resources and their habitats are given due and equal consideration in the planning and implementing process.

Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any other questions that you might have.

Senator CHAFEE. It is interesting that we should be dealing with the Sikes Act. I remember Bob Sikes. He was a member of the House for many years, from Florida, I believe the Pensacola area, and was very active in on the Armed Services Committee. In my previous encarnation as the Secretary of the Navy, I used to appear before him quite frequently.

I am delighted that this act is on the books, obviously. What did you mean in your testimony when you talked about the multiuse plans were not fully integrated? Would you explain that?

Mr. STIEGLITZ. Yes, sir. Most of our involvement with the military with this is covered under cooperative agreements also referred to as conservation plans. These normally are triparteid agreements between the installation, Fish and Wildlife Service and the respective fish and game commission that is involved.

Under those agreements, our biologists assist the military in sometimes addressing specific problems, more commonly in developing a detailed fish and wildlife management plan.

Those are rather specific in nature and basically, they address wildlife and fish habitat improvement needs, population control and so forth. The multipurpose natural resource plans cover all renewable natural resources on any one military installation.

The concern is that fish and wildlife resources be given equal consideration with other renewable resources on an installation, whether they be timberlands, croplands, wetlands or whatever, and that the needs are fish and wildlife, because they cover all habitat types because they are found on one installation; should receive consideration in their relationship, their management to the other resource management practices on any one base.

Senator CHAFEE. And you don't think that is taking place now?

Mr. STIEGLITZ. I think in some instances it is, Mr. Chairman. There are over 300 multipurpose plans in existence, as I understand it. There are approximately 200 conservation plans in existence. So in every case where you have a multipurpose plan, you do not necessarily have a cooperative plan that relates specifically to fish and wildlife.

In our experience, and this a general perception on my part, that in some cases, they are integrated; we think that the amendment proposed in the Sikes Act would ensure much better integration of fish and wildlife management needs with all other resource management needs on any one particular installation.

Senator CHAFEE. What do you have to make sure that the Sikes Act is enforced? Suppose some military commander just says,

I'm not interested in wildlife; I'm not a tree hugger. I don't want to have anything to do with this business, and my mission is to produce the most competently trained military forces, and I am going to run my tanks through that habitat whether you like it or not.

Mr. STIEGLITZ. Well, to begin with, Fish and Wildlife Service, of course, has no regulatory authority over the military and their implementation of the Sikes Act provisions, so we are cooperators, if

you will, in the scheme of things along with State fish and game commissions.

Where we do assume, if you will, a regulatory posture, it would be if a military commander chose to do what you are referring to, and let's say endangered species were involved. They are required under the Endangered Species Act to consult with us, and we have had some interactions with them in the past on situations where a proposal of theirs required consultation by Fish and Wildlife Service, and, in fact, in a number of cases, they have modified their proposals.

Senator CHAFEE. Have you ever initiated these? In other words, you get a recalcitrant base commander who isn't interested in this area. Do you recall Fish and Wildlife ever taking the initiative and saying, "Look, Mr. Commander, there is an act on the books called the Sikes Act."

Mr. STIEGLITZ. I know a few instances under Endangered Species Act where you brought to the base commander's attention that their activities required consultation because it threatened an endangered species. Under the Sikes Act, as I say, we have no regulatory authority, but I am told there have been instances where we have gone to a base commander with suggestions that, where we thought Fish and Wildlife management could be improved by a cooperative effort with those States.

Senator CHAFEE. I am not familiar enough with the Sikes Act. Is it mandatory? Does it require it or does it just authorize the Secretary of Defense to carry out cooperative efforts through Fish and Wildlife?

Mr. STIEGLITZ. It authorizes; it does not require.

Senator CHAFEE. Setting aside the endangered species aspects, if the base commander just isn't interested in this, he has got 120,000 acres of land under his command, and he wants to use it as he sees fit and isn't interested in fishing or hunting or anything of that nature for his people, then he can just discard Fish and Wildlife totally?

Mr. STIEGLITZ. Under the Sikes Act, yes, under the endangered species matter——

Senator CHAFEE. I would appreciate the endangered species aspects, but setting that aside.

Mr. STIEGLITZ. He is not required to work with them under the Sikes Act.

Senator CHAFEE. Are the military commanders generally quite knowledgeable of what is available under the Sikes Act?

Mr. STIEGLITZ. I think they are knowledgeable and they are aware of what is available, Mr. Chairman, yes.

Senator CHAFEE. It has been my experience on many of these bases that they have a ranger, if you would, on military payroll who is responsible for this coordination from the military point of view. Is that fairly typical?

Mr. STIEGLITZ. Yes. Some military installations have professional wildlife managers on their staff who oversee and manage the plans. I'm not sure what they call them, but enforcement personnel.

Senator CHAFEE. All right. So that is one of the amendments that the DOD representative will talk about, the other ones?

Mr. STIEGLITZ. Yes; we think the other amendments are more properly under the purview of the DOD, and they should be the ones to comment on those.

Senator CHAFEE. Let's move on, while you are here, so that you may be excused after this. Let's move on to the Bayou Sauvage matter. Why don't you give me your thoughts on that?

Mr. STIEGLITZ. Thank you, Mr. Chairman. Once again, I appreciate the opportunity to comment on Senate bill 2714, which as you know is a bill to establish the Bayou Sauvage National Wildlife Refuge. The bill would authorize acquisition and establishment of an approximately 19,000-acre national wildlife refuge on the eastern edge of New Orleans, LA. The purpose would be to maintain and enhance the fish and wildlife values of the area, protect its archeological resources and provide opportunities for scientific research, environmental education and fish and wildlife oriented public uses.

At this point, Mr. Chairman, I would like to deviate just a bit from my prepared testimony. It was prepared and approved yesterday. At that time, we had some indication that a donation of this entire area might be under consideration. We had never been formally apprised that that was the case. I make this point so that you are aware that our testimony is based on the assumption that acquisition funds would be required for the area. So with that in mind, I will proceed with some comments about the value of the area.

I would mention that we have not had an opportunity to study this area very intensively. We did not begin looking at it seriously until Congressional interests developed less than 2 months ago, and we have not done the normal amount of homework, if you will, that we would on an area that we were considering for national wildlife refuge purposes.

However, our preliminary analysis indicates that the area contains a wide variety of wildlife habitats created by the presence of an extensive levee system, including bottomland hardwoods, freshwater marshes, brackish marshes, lagoons, canals, borrow pits, old beach fronts and natural bayous. The marshes of New Orleans, particularly those along Lake Pontchartrain and Lake Borgne, serve as estuarine nurseries for many species of marine organisms such as fish, crab, and shrimp. Freshwater lagoons, bayous and ponds serve as habitat for many species of freshwater fish. The subdelta marsh, of which Bayou Sauvage is a component, is the most productive habitat of the gulf coast for muskrat and mink.

The wide variety of habitats within the area can support up to 340 species of shore birds, wading birds, waterbirds, raptors, and perching birds during some season of the year. The American peregrine falcon and the bald eagle are also occasional visitors to the area. The freshwater marshes of Bayou Sauvage provide important waterfowl habitat in southeast Louisiana and may host up to 40,000 migrant birds during the winter months. Alligator populations are also very high in the area.

Senator CHAFEE. That is a splendid endorsement for this land, isn't it?

Mr. STIEGLITZ. It is what, sir?

Senator CHAFEE. It is a splendid endorcement for this land.

Mr. STIEGLITZ. Yes, sir, it certainly has high wildlife values, as our preliminary studies indicate.

Once again, we had been thinking in terms of at least a partial acquisition of this area, and based on that initial understanding, we were not able to conclude that Service acquisition is the best means to protect the values. In light of the large number of important wildlife habitats and wetlands already identified across the Nation and the limited funds available for acquisition of such areas, the Service has developed a system for assigning priority to its requests for establishment and acquisition of refugees, which is called the land acquisition priority system.

We have not completed a review of the Bayou Sauvage proposal against the priority process, and until we do, we really can't say how it might stack up against a number of other areas we have already looked at and have processed through the priority system. The Secretary has asked us to expedite this process, and we would hope to have this formal additional evaluation completed in the immediate future.

I think I would close my formal comments at that point, Mr. Chairman. I would make one last point, not in the formal comments, and that is, if, in fact, a complete donation of the area is in order, I think it is reasonable to infer that the Department of Interior might change its official position on the proposal. I am just not in a position at this time to make that determination.

Senator CHAFEE. Well, I appreciate that you would much rather be given it than have to buy it. I have some quotes from the staff report on this area. I must say, coming from the smallest State in the Union, I am intrigued by an urban refuge that has 19,000 acres in it.

I have some quotes here from the staff report that it is the best waterfowl habitat in southwest Louisiana; it is ready made for a refuge, should have been given high priority; peak waterfowl numbers overexceed, as you say, 40,000 birds; valuable estuarine nurseries for shrimp and crab; represents fully 1 percent of Louisiana's coastal marshlands, which is being lost at the rate of 35,000 acres a year.

The North American Waterfowl Management Plan, which we recently signed with Canada, I am sure you are aware of that, cost about 700,000 acres of wetland in the Lower Mississippi River Valley. I would think this merely 20,000 acres would be a big step toward realization of that goal.

Mr. STIEGLITZ. Let me comment a moment on the North American plan, Mr. Chairman. You are exactly right. The North American plan identifies a need for an additional 386,000 acres along the gulf coast. That is an area extending from the border of Mexico all around the gulf coast, including part of the Texas western coast.

The plan also calls for an additional 300,000 acres of wintering habitat in the bottomland hardwood area, which is immediately north of the coastal zone we are talking about here.

We have an active acquisition program going to acquire additional acreage under the North American plan. Most of the recent gulf coast acquisitions for waterfowl from the Conservation Fund has been on the Texas gulf, though. We are limited going on to the lower Texas coast and the lower Swanee River.

This, to be perfectly frank, though, this particular area has never popped up as an area that we would acquire for migratory bird purposes. It has never been identified in any of our planning processes for that purpose. There are other, higher-priority, more valuable areas along the Louisiana coast.

Senator CHAFEE. Well, I suspect there probably are, if you can get them. It has been my experience with land that you really have to take it when you can get it. Here is a deal that has with it, as we are going to hear later, a gift of some 4,700 acres that goes with it that is going to be developed.

Thank you very much for your testimony. I appreciate it, and I appreciate what you and your folks are doing.

Mr. STIEGLITZ. Thank you very much, Mr. Chairman. It has been my pleasure.

Senator CHAFEE. Glad to have your testimony.

Is there anybody here from DoD? They have a statement. I will study up on that.

Let's continue now with the Bayou Sauvage, Mr. Michael Dennis, the Nature Conservency.

Why don't you and Ms. Lenhart from the Audubon Society both come up at the same time? Why don't you proceed, Mr. Dennis.

STATEMENT OF MICHAEL DENNIS, VICE PRESIDENT, THE NATURE CONSERVANCY

Mr. DENNIS. Thank you, Senator. My name is Michael Dennis. I am the vice president and general counsel of the Nature Conservancy. The Conservancy is grateful for the opportunity to express its views on Senate bill 2741, the bill to establish the Bayou Sauvage Urban National Wildlife Refuge in New Orleans, which was introduced by Senator Johnston and Senator Long. We commend the Senators for the introduction of this legislation, and we would like to thank Senator Chafee for scheduling this hearing. I have included here today copies of the written testimony of the Conservancy on this bill which are available for distribution.

Through the Nature Conservancy Heritage Programs, which are computerized data collection systems which identify important matters of species across the United States, the Conservancy has identified this property as a wetland system which encompasses a rich diversity of natural communities and native species, both common and uncommon, that are worthy of rigorous protection efforts.

The Bayou Sauvage Urban National Wildlife Refuge is representative of a wide variety of important natural communities that have been identified by the Louisiana Natural Heritage Program. These range from coastal woodlands, a top priority community for protection in the State, to fresh intermediate and brackish marshes and bottomland hardwoods. Many aquatic communities inhabit the ponds, Lagoons, and bayous that intersperse these wetlands.

The Louisiana Natural Heritage Program has also identified the area in and around Irish Bayou Lagoon as the site of two of the three only known locations in the State of Potomogeton perfoliatus. Peggy Sharp told me to be careful because the Senator is a buff on

plants. This is a rare aquatic plant. This area has been identified as a——

Senator CHAFEE. When you say "identified" it, who so identified it?

Mr. DENNIS. This has been identified through the Nature Conservancy Natural Heritage Program, which we have recently established in Louisiana.

In southeast Louisiana, numbers often exceed 40,000 birds. Predominant waterfowl species are lesser scaup, pintail, teal, grey ducks, mallards, mottle ducks, and shovelers.

Thousands of wading birds and shorebirds use the area on a seasonal and yearly basis. Deer, rabbit, muskrat, racoon, otter, mink, and alligator are common resident species. The Nature Conservancy, spearheaded by a $25 million grant from the Richard King Mellon Foundation, the largest grant to conservation in the history of this country, has been working for the past 4 years, protecting wetlands of national import.

The loss of wetlands and the importance of wetlands have been well documented before this committee and all Members of Congress. In light of the extremely high rate of wetlands loss in Louisiana, the protection of the Bayou Sauvage area takes on an added sense of significance and urgency.

It is a timely and prudent step and wise resource conservation. Should Congress approve this legislation, we urge you to do so. The Nature Conservancy stands ready to assist the U.S. Fish and Wildlife Service and other involved parties at their request to make this protection effort a reality.

To borrow a line from Merrill-Lynch, current owners of the property, we are bullish on Bayou Sauvage.

Senator CHAFEE. Good. I am glad to hear that. Could you explain the other step that goes with this? I am a little bit confused. Where are the 4,700 acres and what is that arrangement which, as I understand, involves folks who are a subsidiary of yours?

Mr. DENNIS. I would like to clarify that. First of all, the 4,000-plus acres that have been referred to are separate from the refuge properties; when I say separate, not physically, but to be treated separately. The proposed refuge covers approximately 19,000 acres.

Senator CHAFEE. Slow down 1 minute, because I have a map here, and I am trying to figure what's what. I see. So the 4,700 acres are on the other side of I–10, bordering Lake Pontchartrain?

Mr. DENNIS. That's right, the far eastern end of the property.

Senator CHAFEE. I see that. What is the proposed arrangement? Merrill-Lynch owns the whole thing?

Mr. DENNIS. That is correct. Merrill-Lynch owns the whole thing; actually, one of its subsidiaries, South Point, and my understanding at this point is that Merrill-Lynch is proposing to bargain sell the 19,000 acres. It is not my understanding that the 19,000 acres would be a total donation. It would be some type of a bargain purchase.

Senator CHAFEE. Yes, I think it is a straight sale, isn't it?

Mr. DENNIS. Well, I think there may be some element of a bargain purchase in it when the numbers shake out.

Senator CHAFEE. Well, at any rate, they will sell the 19,000 acres under some kind of an arrangement to Fish and Wildlife under this condition.

Mr. DENNIS. That is right.

Senator CHAFEE. What happens to the balance?

Mr. DENNIS. My understanding is that the balance of the property, and I think this is critical to the whole transaction, will be donated to the Conservation Fund. It is not a subsidiary of the Nature Conservancy, but it is a nonprofit land conservation group that is closely associated with the Nature Conservancy.

Senator CHAFEE. A group that your organization approves of?

Mr. DENNIS. Yes, indeed, absolutely. The president of the Conservation Fund is Patrick Noonan, former president of the Nature Conservancy.

Senator CHAFEE. They are a national organization?

Mr. DENNIS. That is correct, they are a national, nonprofit, land conservation organization also. They have a broader charter than the Nature Conservancy that allows them to do limited development type projects, and in this particular case, they would take this property as a full donation from Merrill-Lynch; they would do a master plan on the property, a preserve design, and they would develop it on a limited basis with buffers, with open space, that type of thing, that would achieve an environmentally sensitive development project, with at least a quarter of the proceeds being donated from the Conservation Fund to the Fish and Wildlife foundation for the refuge. I think that is a very important aspect to this transaction.

Senator CHAFEE. What is there in it that would require the Conservation Fund to do anything? Let's just take the case that this deal goes through, that the Federal Government, Fish and Wildlife, buys the Bayou Sauvage piece. Then simultaneously, Merrill-Lynch, South Point, their subsidiary, gives the 4,700 acres to Conservation Fund.

What keeps the Conservation Fund from saying, "Well, this is pretty important. Mr. Noonan is a man who is certainly sensitive to wildlife. We are not going to develop this; we are just going to keep it in its state."

Mr. DENNIS. If the Conservation Fund does a management plan that shows that the best use of this property is to leave it as wildlife use for habitat, that may well be the case. My understanding, though, at this point, is their analysis of the property shows it could bear some limited development, with the understanding that some of the limited proceeds will go back into this particular refuge.

I also understand that part of the proceeds from the sale of this property would go to the New Orleans Museum of Natural Science for a local school children program run by the museum.

Senator CHAFEE. I guess the key thing is that you folks, Nature Conservancy, certainly have a national knowledge of lands. I have seen the results of your activities in many places, and certainly closest to home is in connection with the Block Island purchase that you did.

So based on the knowledge of your organization, you would say this is a piece of land that ought to be obtained?

Mr. DENNIS. Yes, sir.

Senator CHAFEE. You heard the testimony of Mr. Stieglitz on this subject. What would you say to that? He says, "Sure, this is nice, but there are better ones out there."

Mr. DENNIS. I would respond to that probably the same way you did, and that is, when you have an opportunity like this put in front of you, you have to jump at it. There is not much more of this land available in Louisiana. Louisiana is losing 35,000 acres of wetlands a year. I think this is one of those cases where, as Mr. Stieglitz did say, it is an important piece of property worth protecting. It does have substantial wildlife resources on it.

I think we should take the opportunity to protect it now. It may not be there later, and other properties which may now currently be a higher priority for the Fish and Wildlife Service and maybe to the Nature Conservancy, may remain unavailable.

Senator CHAFEE. When you say, "The Nature Conservancy stands by to assist the Federal Government," what are you suggesting?

Mr. DENNIS. What I am suggesting is if the Fish and Wildlife Service so requests, we would be glad to get in the middle of negotiations to try to put together the very best financial and legal package that is possible.

Senator CHAFEE. I think one of the strengths of your organization has been that you, in the past, have stepped in with immediate dollars to purchase a place with the understanding that you would be repaid after a fund drive or after, I presume, an appropriation, something of that effect.

Mr. DENNIS. I would anticipate, if the Fish and Wildlife Service asks us to get involved in this project, what we would do would be to acquire the property and hold it until the appropriations came through.

Senator CHAFEE. That is a pretty big ticket item. What is the most expensive piece of land you have ever bought and held temporarily?

Mr. Dennis. I think approximately $10 million was put out at one time.

Senator CHAFEE. All right. Thank you very much. Why don't you just remain there, and Ms. Lenhart, why don't you proceed.

STATEMENT OF CYNTHIA LENHART, WILDLIFE SPECIALIST, NATIONAL AUDUBON SOCIETY

Ms. LENHART. Thank you, Mr. Chairman. I am Cynthia Lenhart, a wildlife specialist for the National Audubon Society. I appear before you today on behalf of the Society, with over 550,000 members and the National Wildlife Federation, with 4.6 million members and supporters nationwide.

Senator CHAFEE. I am a big supporter; I believe in all these organizations, but there must be some duplication in some of these figures, because you have got the National Wildlife; here you have got 4.6 million members; but I suppose the Audubon Society is part of the National Wildlife Federation, are they?

Ms. LENHART. I wouldn't say we are a part of it. There is a good deal of crossover.

Senator CHAFEE. You are a member?

Ms. LENHART. We are not affiliated with the federation. I would imagine we have a number of members who belong to both organizations. We work with them a great deal on these things.

Senator CHAFEE. All right. Go to it.

Ms. LENHART. I am here to voice both our organizations' strong support of S. 2714 to establish the Bayou Sauvage Refuge. We believe this legislation represents a significant step toward meeting two of the greatest challenges facing the Fish and Wildlife Services today: Stemming the tide of wetland loss, and educating an increasingly urban population about the importance of wetlands to both wildlife and man.

As wetland loss proceeds at a breakneck pace, the types of habitat found at Bayou Sauvage are becoming increasingly uncommon, and thus merit preservation. The wetlands of New Orleans East provide the finest quality food and cover for a wide variety of wildlife species. The area is considered the best remaining waterfowl habitat in southeastern Louisiana. Many duck species found there have recently suffered severe population declines, largely due to loss of both breeding and wintering habitat. Federal acquisition and protection of this area is, therefore, particularly well justified.

Preservation of prime wetland habitat is reason enough to add Bayou Sauvage to the national wildlife refuge system. But its location, within a metropolis of over 1 million residents, is what makes it truly unique and valuable. The site's accessibility to New Orleans guarantees high visitation from residents and tourists alike. Few units of the refuge system are so well placed. Bayou Sauvage has great potential for becoming a major environmental education center, teaching the public about the value of wetlands, the plight of endangered species and the need for genetic diversity—all lessons which are often more easily absorbed in the outdoor class room. As such, it would be an excellent southern compliment to other refuges with educational mandates, such as Minnesota Valley and Tinicum.

The legislation before you is the outgrowth of thoughtful negotiations between the landowner and the environmental community. Merrill-Lynch's proposal strikes us as a very generous offer, and we are more than willing to help formulate an environmentally sound plan for the adjacent area proposed for development.

In summary, Mr. Chairman, we believe this legislation represents an excellent opportunity to protect an essential part of our coastal environment in an area where a great number of people can support its preservation.

We urge you to support this proposal and give it the high priority it deserves in the short time remaining in this year's Congress.

Senator CHAFEE. Going back to a page in your testimony, you state the subsidiary of Merrill-Lynch, South Point's offer to donate 19,000 acres. That is not quite accurate, is it?

Ms. LENHART. No, it is not quite accurate. We have since learned better.

Senator CHAFEE. As I understand it. So that it is a different situation.

Ms. LENHART. The fact that they are willing to sell it at bargain rates is something we don't think should be passed up.

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Senator CHAFEE. Is that clear that they are selling it at bargain rates, because we don't know what the price is.

Mr. DENNIS. We don't have the official Wildlife Service appraisal to look at at this point, so we really don't know. It is their opinion that they will end up selling it at substantially below fair market value. Quite honestly, Senator, most of the people that we deal with feel that they are selling the property at a bargain value.

Senator CHAFEE. Whether they are or not, I don't know.

Mr. DENNIS. They do fully intend to make a full donation of the 4,700 acres. That is clear. I think that is the critical part of this. The other thing that I think is important is that it is my understanding, and I think the Senator earlier referred to the donation, and many people are under the gun looking at tax reform and the uncertainties of what will happen in 1987, and they very much want to cut a deal in 1986.

Senator CHAFEE. I hope we can get this squared away.

Ms. Lenhart, in your organization, you are a wildlife specialist, so presumably you have looked at many pieces of land. How do you rate this one comparatively? We all know the Federal Government is strapped for money. Let's just take a figure out of the air that this is $11 million. Having looked around, how does spending $11 million here compare with spending $11 million elsewhere, say, in Louisiana?

Ms. LENHART. Well, it is a tough question. I think the Audubon Society always rates wetland acquisition way up there on its priority list. The fact that this area is used by so many thousands of waterfowl each year, particularly, as many duck species which I mentioned, which are in a state of series decline would make it a real high priority in our estimation.

Senator CHAFEE. I suppose anyplace in southern Louisiana would be wetlands. Either of you can answer this question. Is there much land available down there? I don't know. Up where I come from, 19,000 acres is a pretty big chunk of land. I don't know how many stretches of 19,000 acres are available.

Mr. DENNIS. That is a good point. I think if there were going to be 19,000 acres available anywhere, it may be in New Orleans, with a depressed economy and everything else, but that is a very big piece of property, and there are just not that many on the market.

As far as talking price, we have recently acquired Block Island property, Long Island property, and there is no comparison of value. It is a wonderful buy.

Senator CHAFEE. It would be a wonderful buy if it were situated in Long Island.

Mr. DENNIS. I think it is a wonderful buy when comparing relative wildlife values, also.

Senator CHAFEE. For wildlife what?

Mr. DENNIS. Value.

Senator CHAFEE. Certainly, if you have got 40,000 ducks there during its peak season, I was interested in looking at the map of it. There seems to be a section that intrudes deep into it, narrow though it may be, into this tract. Are you familiar with it? What is in that section that comes in like that? Of course, a highway goes through the middle, plus a railroad track.

Mr. DENNIS. There is a highway that goes through, and there is some development that is surrounded by this property.

Senator CHAFEE. All right. Well, fine. Thank you both for coming, and we will want to take this up very quickly in the full committee. Is there anything you want to add?

Ms. LENHART. No, sir.

Mr. DENNIS. No, sir.

Senator CHAFEE. All right. The hearing will be adjourned. Thank you.

[Whereupon, at 4:10 p.m., the subcommittee was recessed, subject to the call of the chair.]

[Statements submitted for the record and the bills S. 1352, H.R. 1202, and S. 2741 follow:]

STATEMENT BY SENATOR J. BENNETT JOHNSTON, LOUISIANA
ON
S. 1741, A BILL TO ESTABLISH THE BAYOU SAUVAGE
URBAN NATIONAL WILDLIFE REFUGE
IN THE
STATE OF LOUISIANA

MR. CHAIRMAN, I WANT TO BEGIN BY THANKING YOU AND THE COMMITTEE FOR THE PROMPT SCHEDULING OF THIS HEARING ON S. 2741, WHICH I INTRODUCED WITH SENATOR RUSSELL LONG. AS YOU KNOW, S. 2741 PROVIDES US WITH A UNIQUE OPPORTUNITY TO PRESERVE APPROXIMATELY 19,000 ACRES OF PRISTINE WETLANDS BY ESTABLISHING THE BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE. THIS REFUGE WOULD BE THE LARGEST IN A MAJOR URBAN AREA ANYWHERE IN THE NATION.

THE AREA PROPOSED AS THE REFUGE IS PART OF A LAND TRACT OF APPROXIMATELY 24,000 ACRES WITHIN NEW ORLEANS PARISH. FOR DECADES, WITH ITS PROXIMITY TO NEW ORLEANS, MUCH OF THIS WILDERNESS WAS EARMARKED FOR DEVELOPMENT AS A CITY WITHIN THE CITY, COMPLETE WITH SUBDIVISIONS AND SHOPPING CENTERS. FORTUNATELY, THE CURRENT OWNER AFTER BECOMING AWARE OF THE ENVIRONMENTAL SIGNIFICANCE OF THE AREA MET WITH MANY ENVIRONMENTAL LEADERS AND REPRESENTATIVES IN LOUISIANA TO DISCUSS THE BEST POSSIBLE PLAN THAT WOULD SATISFY BOTH THE REQUIREMENT OF NEW ORLEANS FOR EXPANSION AND THE DESIRE OF THE ENVIRONMENTAL COMMUNITY TO PRESERVE THE LAND. THROUGH THESE DISCUSSIONS THE IDEA FOR A MAJORITY OF THE LAND TO BE PRESERVED AS AN URBAN NATIONAL WILDLIFE REFUGE WAS BORN. IT IS ANTICIPATED THAT THE REMAINING ACREAGE, APPROXIMATELY 4,000 - 5,000 ACRES, WILL BE

DEVELOPED IN A MANNER WHICH IS RESPONSIVE TO NEW ORLEANS' EXPANSION NEEDS AND COMPATIBLE WITH ENVIRONMENTAL CONCERNS.

MR. CHAIRMAN, THIS PROPERTY HAS BEEN DESCRIBED BY PROFESSIONAL FISH AND WILDLIFE BIOLOGISTS AS PERHAPS THE BEST REMAINING WATERFOWL HABITAT IN SOUTHEAST LOUISIANA. THE TIDAL MARSH AREA OF THIS TRACT IS ALSO A VALUABLE ESTUARINE NURSERY FOR SHRIMP, CRABS AND MANY SPECIES OF FISH. THERE IS WIDE DIVERSITY OF WILDLIFE AND WILDLIFE HABITAT WITHIN THE PROPOSED REFUGE THAT WILL BE PRESERVED THROUGH FEDERAL ACQUISITION THAT OTHERWISE COULD BE LOST WITHOUT PROTECTION. IN ADDITION, WITH PROPER MANAGEMENT OF THIS TRACT IT IS BELIEVED THAT AN ADDITIONAL 11,000 ACRES OF ADJOINING ESTUARINE HABITAT COULD BE RESTORED.

THE URBAN ENVIRONMENTAL EDUCATION POTENTIAL IS UNMATCHED WITH OVER ONE MILLION PEOPLE RESIDING NEAR THE PROPERTY WITH EXCELLENT PUBLIC ACCESS. WITH AN EDUCATION CENTER, THE PUBLIC WILL BE ABLE TO REALIZE THE DIVERSITY AND PRODUCTIVITY OF WETLANDS AND HOW THEY ARE NOT JUST WASTELANDS WAITING TO BE DRAINED AND DEVELOPED. THIS ACQUISITION AND ITS DESIGNATION AS AN URBAN NATIONAL WILDLIFE REFUGE, WITH PLANNED LOW DENSITY RESIDENTIAL DEVELOPMENT ADJACENT, WILL PROTECT VALUABLE WETLANDS AND SERVE AS A NATIONAL MODEL FOR CONSERVATION AND LIMITED DEVELOPMENT.

IN CONCLUSION, THIS TRACT OF LAND REPRESENTS A LARGE AREA OF WETLANDS, WHICH ALONG THE COAST OF LOUISIANA ALONE ARE BEING LOST AT A RATE OF 100 ACRES PER DAY. THIS LOSS OF WETLANDS TRANSLATES

TO AN ECONOMIC LOSS OF OVER $14 MILLION PER YEAR AND AN IMMEASURABLE LOSS OF NURSERY GROUNDS FOR SHELLFISH AND FISHERY RESOURCES, HABITAT FOR A LARGE VARIETY OF WATERFOWL AND OTHER WILDLIFE, FLOOD AND HURRICANE PROTECTION AND POLLUTION ABATEMENT. WE SHOULD NOT ALLOW THIS RARE OPPORTUNITY TO PRESERVE A LARGE TRACT OF OUR DWINDLING WETLAND RESOURCES TO PASS US BY. IT IS ESSENTIAL THAT THIS LEGISLATION PASS IN THIS SESSION OF CONGRESS. I HOPE WE WILL BE ABLE TO BRING S. 2741, PERFECTED BY THIS COMMITTEE, TO THE FLOOR THIS MONTH. IN THIS LIGHT, THANK YOU AGAIN FOR YOUR PROMPT ATTENTION TO THIS BILL AND FOR ALLOWING ME THE OPPORTUNITY TO PRESENT THIS STATEMENT.

I HAVE ALSO ATTACHED A COPY OF MY AUGUST 12, 1986 FLOOR STATEMENT FOR THE COMMITTEE'S CONSIDERATION.

August 12, 1986

Floor Statement
of
Senator J. Bennett Johnston
on the
Bayou Sauvage Urban National Wildlife Refuge

Mr. President, today I have introduced legislation to establish The Bayou Sauvage Urban National Wildlife Refuge within the boundaries of the city of New Orleans, LA. This refuge will encompass approximately 19,000 acres of high value wetlands and other wildlife habitat. It is truly unique to have a diversity of habitat and wildlife in such close proximity to the largest urban area in Louisiana. It is perhaps the best remaining wetlands and waterfowl havitat in southeast Louisiana and as such is home to 40,000 wintering waterfowl and wading birds using the area year round. It is home as well to a sizable deer herd, otters, raccoons, furbearers, and thousands of alligators and serves as an important nursery and growth area for shrimp, crabs, and many species of fish.

Mr. President, the Bayou Sauvage area with its unique fish and wildlife would be a welcome addition to the National Wildlife Refuge system even if it was not located within the boundaries of a major urban center. The fact that that it is within minutes of downtown New Orleans gives it the potential to become a model urban national wildlife refuge, and as such, one of the crown jewels of the refuge system. The opportunities for using the area as an environmental education center along with the policy for multiple use esposed by the U.S. Fish and Wildlife Servcice, will make it valuable to people as well as to fish and wildlife. We, in the Southeast, and the Nation as a whole are realizing the values of such wetlands for a viable continued economy and as necessary areas that add to a quality life for people. We have too long undervalued wetlands and considered our swamps, marshes, and bogs as wastelands to be altered for what we considered to be a higher use. These are the areas that provide us with nursery grounds for important shellfish and fishery resources, for habitat for a large variety of waterfowl, and other wildlife, for flood and hurricane protection, pollution abatement and many other complex biological, physical, and chemical functions. Let us establish the Bayou Sauvage Urban Wildlife Refuge as a center for environmental education so the people of New Orleans, the South, and the Nation can better understand the value of our dwindling wetlands and that the abundance of life they support does not become only a memory.

Mr. President, as devlopement of the refuge proceeds, opportunities for public recreation will increase and attract and educate visitors from all walks of life about wildlife and its relationship to our everyday life. The Bayou Sauvage Refuge will draw thousands of visitors who want to fish, view wildlife, hike, canoe and develop an in depth appreciation for the incredible diversity and productivity of Louisian's wetlands.

The Bayou Sauvage Urban National Wildife Refuge will also be unique because of the way it is established. Too often public officials are drawn into conflicts between developers and environmentalists, trying to find an often unattainable balance between protection of the environment and economic growth through development. Several months ago we seemed to be heading for just such a confrontation in the Bayou Sauvage area. The owners, South Point Inc., planned a major development in the area. The development was opposed by the environmental community both on the local and national level. Lawsuits were threatened and confrontation seemed eminent. However cooler heads prevailed; people on both sides of the issue started talking, listening, and negotiating--the result--a proposal for the Bayou Sauvage Urban National Wildlife Refuge.

While the final details have not been worked out, South Point Inc., has made a unique offer. They have announced that they are willing to convey most of their property to the U.S. Fish and Wildlife Service. They are also willing to work out with the city of New Orleans, the environmental community and other interested parties on a plan to develop, in an environmentally sensitive manner, the areas not included in the refuge. I am working with the parties involved and expect that final resolution of the remaining issues can be achieved in the next several weeks.

I have introduced this legislaiton even though the final agreements have not been readied because quite frankly, time is of the essence. It is essential that this legislation pass in this session of Congress. I expect to bring this legislation, perfected by the committee process, to the floor in September.

Mr. President, in conclusion, this tract of land represents a large area of coastal Louisiana's wetlands which are being lost in Louisisana alone at a rate of 55 square miles, or 35,000 acres per year. This loss for Louisiana translates to over $14 million per year. Let's not have our wetlands and the great diversity of natural resources they provide and support become only a memory.

Russell Long

STATEMENT
SENATOR RUSSELL B. LONG
BEFORE THE SENATE ENERGY AND NATURAL RESOURCES COMMITTEE

SEPTEMBER 17, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE

AS A COSPONSOR OF S. 2741, I AM ESPECIALLY HONORED TODAY TO APPEAR BEFORE THIS COMMITTEE TO EXPRESS MY COMPLETE SUPPORT FOR THIS MEASURE, WHICH SEEKS TO ESTABLISH THE BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE WITHIN THE BOUNDARIES OF THE CITY OF NEW ORLEANS, LOUISIANA.

THIS LEGISLATION, WHICH IS SPONSORED BY MY GOOD FRIEND AND LOUISIANA COLLEAGUE, BENNETT JOHNSTON, WILL ENCOMPASS APPROXIMATELY 19,000 ACRES OF THE BEST REMAINING WETLANDS IN SOUTHAST LOUISIANA. THIS PROPERTY, WITH THESE HIGH VALUE WETLANDS, HAS BEEN THE GOAL AND DREAM FOR DECADES OF BOTH DEVELOPERS AND CONSERVATIONISTS.

THE PRESENT OWNERS, SOUTH POINT, INC., PLANNED A MAJOR DEVELOPMENT IN THIS AREA WHICH WAS OPPOSED BY THE CONSERVATION COMMUNITY AT BOTH THE LOCAL AND NATIONAL LEVELS. LAWSUITS WERE THREATENED AND CONFRONTATION SEEMED IMMINENT.

HOWEVER, AFTER MANY DISCUSSIONS AND NEGOTIATIONS BOTH SIDES OF THIS ISSUE HAVE AGREED TO A PROPOSAL THAT WOULD ESTABLISH AN URBAN NATIONAL WILDLIFE REFUGE AND ALSO DEDICATE APPROXIMATELY 4,000 ACRES TO DEVELOPMENT.

MR. CHAIRMAN, THE BAYOU SAUVAGE AREA IS TRULY UNIQUE IN HAVING SUCH A DIVERSITY OF FISH, WILDLIFE AND HABITAT IN CLOSE PROXIMITY OF NEW ORLEANS.

IT IS HOME TO 40,000 WINTERING WATERFOWL ANNUALLY AND TO THOUSANDS OF WADING AND SHORE BIRDS YEAR-ROUND. IT IS HOME TO A SIZABLE DEER HERD, OTTERS, RACCOONS, OTHER FUR BEARERS, AND THOUSANDS OF ALLIGATORS. IN ADDITION, IT SERVES AS AN IMPORTANT NURSERY AND GROWTH AREA FOR SHRIMP, CRABS AND MANY SPECIES OF FISH.

I FIRMLY BELIEVE THAT THE ESTABLISHMENT OF THIS WILDLIFE REFUGE WILL BE A WELCOME ADDITION TO THE NATIONAL WILDLIFE REFUGE SYSTEM EVEN IF IT WERE NOT LOCATED WITHIN THE BOUNDARIES OF A MAJOR URBAN CENTER.

BEING WITHIN MINUTES OF DOWNTOWN NEW ORLEANS GIVES THIS REFUGE THE POTENTIAL TO BECOME A MODEL URBAN NATIONAL WILDLIFE REFUGE AND AS SUCH ONE OF THE MOST IMPORTANT REFUGES IN THE NATIONAL SYSTEM.

IT WILL NOT ONLY BE A REFUGE FOR FISH AND WILDLIFE BUT A PLACE FOR PEOPLE TO ENJOY A PRISTINE AND NATURAL HERITAGE. MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, THIS NATION IS BEGINNING TO REALIZE THE IMPORTANCE AND VALUES OF WETLANDS SUCH AS THE BAYOU SAUVAGE AREA TO THE LOCAL AND NATIONAL ECONOMY AND AS AN IMPORTANT ENTITY FOR A QUALITY OF LIFE FOR PEOPLE.

WE HAVE TOO LONG UNDERVALUED OUR WETLANDS, AND CONSIDERED THEM AS WASTELANDS TO BE ALTERED OR DESTROYED FOR WHAT WAS CONSIDERED TO BE A HIGHER USE. ASIDE FROM THE OBVIOUS VALUES OF WETLANDS TO FISH AND WILDLIFE, THERE ARE THE VALUES FOR FLOOD AND HURRICANE PROTECTION, POLLUTION ABATEMENT AND MANY COMPLEX BIOLOGICAL, PHYSICAL AND CHEMICAL FUNCTIONS STILL NOT FULLY UNDERSTOOD.

MR. CHAIRMAN, ADDITIONAL BENEFITS OF THE PROPOSED REFUGE WILL COME AS INCREASED OPPORTUNITIES FOR PUBLIC RECREATION AND AS A PLACE WHERE PEOPLE FROM ALL WALKS OF LIFE CAN BETTER UNDERSTAND THE VALUES OF OUR SHRINKING WETLANDS.

THE BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE COULD BE A PLACE WHERE NATURE TOUCHES THE SOULS OF PEOPLE AND WHERE PEOPLE CAN TOUCH NATURE.

THEREFORE, I WOULD LIKE TO URGE THE COMMITTEE TO EXPEDITIOUSLY REVIEW THIS VITAL LEGISLATIVE PROPOSAL IN VIEW OF ITS BENEFITS--NOT ONLY AS AN AREA TO PRESERVE VALUABLE WETLANDS, BUT ALSO AS AN AREA WHERE FUTURE GENERATIONS CAN ENJOY THE CONTINUED ESTHETIC AND ECONOMIC BENEFITS.

I APPRECIATE THE OPPORTUNITY TO PRESENT MY VIEWS REGARDING S. 2741, AND I WOULD LIKE TO PERSONALLY THANK THE COMMITTEE FOR ITS CONSIDERATION OF MY POSITION AND THAT OF OTHERS SUPPORTING THE ESTABLISHMENT OF THE BAYOU SAUVAGE URBAN NATIONAL REFUGE.

THANK YOU.

STATEMENT OF WALT STIEGLITZ, ASSISTANT DIRECTOR FOR REFUGES AND WILDLIFE, U.S. FISH AND WILDLIFE SERVICE, BEFORE THE SENATE ENVIRONMENT AND PUBLIC WORKS SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION ON H.R. 1202, A BILL AMENDING AND REAUTHORIZING THE SIKES ACT

September 17, 1986

Mr. Chairman, I appreciate the opportunity to testify on H.R. 1202, legislation that would amend and extend the authorization for appropriations under the Sikes Act. The Service supports those provisions of H.R. 1202 that would reauthorize the Sikes Act. However, we would defer to DOD regarding most of the proposed amendments.

Service involvement with the Department of Defense (DOD) predates the original 1960 Sikes Act. This early involvement was initiated in response to requests from commanders interested in developing recreational fishing on their installations. The Service provided technical assistance, conducted basic surveys, developed management plans, and provided fish from its Federal hatcheries.

The passage of the Sikes Act in 1960 formalized the cooperative efforts of the two agencies and, most important, gave Congressional recognition to the significant potential for fish and wildlife management and recreation on DOD lands. Subsequent amendments have expanded the authority of the Act to include consideration of fish and wildlife habitat improvements and the protection of threatened or endangered species.

The DOD controls almost 25 million acres of land that include 19 million acres of manageable habitat for fish and wildlife. These lands provide excellent hunting, fishing, and non-consumptive wildlife recreational opportunities. As a local example, 53,000 acres of the Quantico Marine

Base in Virginia are being managed for fish and wildlife in ways compatible with the military mission. On these lands in FY 1985, approximately 15,000 hunter-days and 8,000 angler-days were expended by military and civilian personnel.

Additionally, in Maine waterfowl habitat is being managed on Loring Air Force Base and at Cutler Naval Radio Station. New Boston and Pease Air Force Bases in New Hampshire have very active fish and wildlife management programs. Fort Dix, Picatinny Army Arsenal, and Naval Facilities in New Jersey are managing fish populations for recreational fishing. At Fort Carson, Colorado, training operations are being rotated to reduce soil erosion and benefit Wildlife. A comprehensive fish and wildlife management plan has recently been completed for Mountain Home Air Force Base in Idaho. Extensive efforts have been expended to protect the habitat of the endangered red-cockaded woodpecker at Elgin Air Force Base in Florida, and at Fort Bragg and Camp Lejeune in North Carolina. The China Lake Naval Ordance Test Station in California is stocking the endangered Mohave chub in installation ponds to diversify this species and ensure its protection.

Past cooperation between the Department of the Interior and the DOD have enhanced the professional management of fish and wildlife on military lands. The FWS is continuing to provide this technical assistance, but on a cost-reimburseable basis. In FY 1985 the Service was reimbursed $480,000 by DOD for providing technical assistance; in FY 1986 the level of reimburseable assistance is expected to exceed $870,000.

H.R. 1202 would amend the Sikes Act in several ways and we defer to the views of the DOD on these amendments. We do agree, however, with the concept underlying proposed new section 101(b)(3) that fish and wildlife values and their conservation should be "taken into account" when multiuse natural resources management plans are developed. Because fish and wildlife are important national resources, they should be given equal standing with timber, farm land, and other co-existing renewable resources. This could be achieved through the development of fully integrated multiuse natural resources plans. The DOD has asked the Service to assist them in developing specific standards for preparing these multiuse plans. This should ensure that fish and wildlife resources and their habitats are given due and equal consideration in the planning and implementing process.

Mr. Chairman, this concludes my prepared testimony. I would be pleased to answer any questions you may have.

STATEMENT OF WALT STIEGLITZ, ASSISTANT DIRECTOR FOR REFUGES AND WILDLIFE OF U.S. FISH AND WILDLIFE SERVICE, BEFORE THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION OF THE SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS REGARDING S. 2741, A BILL TO ESTABLISH THE BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE, NEW ORLEANS, LOUISIANA.

SEPTEMBER 17, 1986

Mr. Chairman, my name is Walt Stieglitz, Assistant Director for Refuges and Wildlife of the U.S. Fish and Wildlife Service. I appreciate this opportunity to present testimony on behalf of the Service on S. 2741, a bill to establish the Bayou Sauvage Urban National Wildlife Refuge. S. 2741 would authorize acquisition and establishment of an approximately 19,000-acre national wildlife refuge on the eastern edge of New Orleans, Louisiana, for the purposes of maintaining and enhancing the fish and wildlife values of the area, protecting its archeological resources and providing opportunities for scientific research, environmental education and fish and wildlife-oriented public uses.

The Department of the Interior cannot support the enactment of S. 2741 at this time. The Department is, however, continuing to study this proposal because of Congressional interest. The Bayou Sauvage area has not been identified previously by Service planning processes as a potential addition to the National Wildlife Refuge System, and only recently has the Service begun an expedited review of the resource values, costs, and protection alternatives for this area.

Our preliminary analysis indicates that the area contains a wide variety of wildlife habitats created by the presence of an extensive levee system, including bottomland hardwoods, freshwater marshes, brackish marshes, lagoons, canals, borrow pits, old beach fronts and natural bayous. The marshes of New Orleans, particularly those along Lake Pontchartrain and Lake Borgne, serve as estuarine

nurseries for many species of marine organisms such as fish, crab and shrimp. Freshwater lagoons, bayous and ponds serve as habitat for many species of freshwater fish. The sub-delta marsh, of which Bayou Sauvage is a component, is the most productive habitat of the Gulf Coast for muskrat and mink. The wide variety of habitats within the area can support up to 340 species of shorebirds, wading birds, waterbirds, raptors and perching birds during some season of the year. The American peregrine falcon and the bald eagle are also occasional visitors to the area. The freshwater marshes of Bayou Sauvage provide important waterfowl habitat in Southeast Louisiana and may host up to 40 thousand migrants during the winter months. Alligator populations are very high in the area.

The Service's initial review of the area has not permitted us to conclude that Service acquisition of the area is the best means to protect the values of this area. In light of the large number of important wildlife habitats and wetlands already identified across the nation and the limited funds available for acquisition of such areas the Service has developed a system for assigning priority to its requests for establishment and acquisition of refuges. We have not completed a review of the Bayou Sauvage proposal against the priority process, and until we do we cannot say how this area would rank against other areas in need of Service acquisition. The Secretary has directed that this process be expedited, and we would hope to have it finished in the immediate future.

If this review results in a determination that this area would be an appropriate addition to the National Wildlife Refuge System, we will look into ways this can be accomplished without undue cost to the Federal government. We will advise the Committee of our findings once the work is completed.

This concludes my prepared testimony. I would be happy to answer any questions you may have.

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The Nature Conservancy

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STATEMENT OF MICHAEL DENNIS, VICE PRESIDENT AND GENERAL COUNSEL
THE NATURE CONSERVANCY, BEFORE THE ENVIRONMENTAL POLLUTION
SUBCOMMITTEE, SENATE COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

September 17, 1986

Mr. Chairman, members of the subcommittee, my name is Michael Dennis, and I am the Vice President and General Counsel of The Nature Conservancy. The Nature Conservancy is grateful for the opportunity to express its views on S 2741, the bill to establish the Bayou Sauvage Urban National Wildlife Refuge in New Orleans, introduced by Senator Johnston and Senator Long. We commend the Senators for the introduction of this legislation, and we would like to thank Senator Chaffee for scheduling this hearing.

The Nature Conservancy is a national, private, non-profit land conservation organization with over 250,000 members. Our principal goal is to identify the best and most important examples of the nation's ecosystems and rare species habitats, and to protect the most threatened of these natural areas and species. We are the largest private organization engaged in species conservation in the United States today. The Nature Conservancy, acting both independently and in cooperation with federal, state, and local agencies, has preserved more than 2,500,000 acres of natural lands since 1954. Over the past twenty years, in addition to establishing 900 nature preserves of our own, we have

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assisted the federal government, at their request, with over $150 million worth of land acquisitions-at an estimated savings to the government of approximately $50 million. In recent years, due to cutbacks in government spending, The Nature Conservancy has spent more money for acquisition of critical habitat for the preservation of endangered species than has the United States Fish and Wildlife Service.

Identification is the first stage of protection. The Nature Conservancy has worked for over 10 years and spent millions of dollars developing a permanent information data base, known as Heritage Programs, to identify the remaining significant natural areas throughout the United States. Heritage Programs are continuing inventory processes supported by permanent computer information systems. They compile data on the existence, characteristics, numbers, conditions, status, location and distribution of rare or declining species and habitats in a given state or region. Since the establishment of the first Heritage Program in South Carolina a decade ago, The Nature Conservancy has helped to launch similar programs in 34 states and several multi-state regions. The original goal of the Heritage Program continues to guide its efforts today. In order to make sound decisions about the allocation of conservation resources, the single most important need is for accurate information about the status of species and ecosystems. The Heritage Programs have demonstrated time after time their ability to provide that information.

The Nature Conservancy endorses S 2741. The area identified for protection under this legislation is a wetland system that encompasses a rich diversity of natural communities and native species both common and

uncommon that are worthy of rigorous protection efforts. The Bayou Sauvage Urban National Wildlife Refuge is representative of a wide variety of important natural communities that have been identified by the Louisiana Natural Heritage Program. These range from coastal live-oak woodlands, a top priority community for protection in the state, to fresh, intermediate and brackish marshes, and bottomland hardwoods. Many aquatic communities inhabit the ponds, lagoons, and bayous that intersperse these wetlands. The Louisiana Natural Heritage Program has also identified the area in and around Irish Bayou lagoon as the site of two of the three only known locations in the state of Potamogeton perfoliatus, a rare aquatic plant.

Additionally, the area has been identified as among the best remaining waterfowl habitats in southeast Louisiana, with peak numbers often exceeding 40,000 birds. Predominate waterfowl species are lesser scaup, pintail, teal, grey ducks, mallards, mottle ducks, and shovelers. Thousands of wading birds and shore birds use the area on a seasonal and yearly basis. Deer, rabbit, muskrat, racoon, otter, mink, and alligator are common resident species.

The wetland-estuarine system also provides important ecosystem functions for the surrounding areas. The wetlands serve as a vital nursery ground for many species of shellfish and finfish. They also provide essential flood and hurricane protection for the adjacent metropolitan region by absorbing the energy of storm waves and providing a reservoir for storm waters. Also, the wetlands are capable of removing excess nutrients and thus improving water quality conditions in the surrounding water bodies.

Wetland loss in this country is well documented and has reached what many would consider to be a crisis level. Both the public and the private sectors must do what they can to stop these irreversible losses. The Nature Conservancy has been working privately for nearly four years now on its National Wetlands Conservation Project. This project began in 1983 with a $25 million challenge grant from the Richard King Mellon Foundation, the largest grant to conservation in the history of this country. The Congress, under the leadership of this committee, has also recognized the need to preserve wetland ecosystems, as was most recently demonstrated by your approval of the Emergency Wetlands Resources Act, an Act that we strongly endorse.

In the context of this extremely important national issue, and in light of the extremely high rate of wetlands loss in Louisiana specifically (50 square miles/year), the protection of the Bayou Sauvage area takes on an added sense of significance and urgency. It is a timely and prudent step in wise resoure conservation.

Should congress approve this legislation, and we urge it to do so, The Nature Conservancy stands ready to assist the United States Fish and Wildlife Service and other involved parties, at their requests, to make this protection effort a reality. Thank you.

National Audubon Society

NATIONAL CAPITAL OFFICE 801 PENNSYLVANIA AVENUE, S.E. WASHINGTON, D.C. 20003 (202) 547-9009

TESTIMONY OF CYNTHIA LENHART

WILDLIFE SPECIALIST

NATIONAL AUDUBON SOCIETY

BEFORE THE SUBCOMMITTEE ON

ENVIRONMENTAL POLLUTION

COMMITTEE ON

ENVIRONMENT AND PUBLIC WORKS

SEPTEMBER 17, 1986

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Mr. Chairman and members of the Committee, I am Cynthia Lenhart, Wildlife Specialist for the National Audubon Society. I appear before you today on behalf of the Society, with over 550,000 members, and the National Wildlife Federation, with 4.6 million members and supporters nationwide.

I am here to voice our organizations' strong support of S. 2741, a bill introduced by Senators Johnston and Long to establish the Bayou Sauvage Urban National Wildlife Refuge in New Orleans, Louisiana. We are already on record in support of a similar bill (H.R. 5262) introduced by Representatives John Breaux and Lindy Boggs.

The 19,000 acre area proposed for federal refuge status is well deserving of that designation for a number of reasons. First, the site encompasses a diversity of habitat, including freshwater marsh, brackish marsh, and forested bottomland. As wetland loss continues at a breakneck pace nationwide, and at a rate of 35,000 acres per year in Louisiana alone, these habitats are fast becoming unique, and thus merit preservation.

Second, the wetlands of New Orleans East provide the finest quality food and cover for a wide variety of wildlife species. The area is considered to be the best remaining waterfowl habitat in southeastern Louisiana; over 40,000 ducks and geese have been known to winter there in a single season. Federal acquisition of this area is particularly well justified given the severe

population declines recently suffered by many duck species. The area is noted for several wading bird rookeries, and thousands of shore birds use the site on both a seasonal and year-round basis. Resident mammals include a healthy deer herd, a large rabbit population, and all of the common coastal furbearers. The area is home to thousands of alligators which are commercially harvested each year, and three endangered species -- the bald eagle, peregrine falcon, and brown pelican -- are occasional visitors.

The Bayou Sauvage area is high quality wetland wildlife habitat and would be a welcome addition to the refuge system for that reason alone. However, its location within the boundaries of a major urban center with over a million metropolitan residents makes it truly unique and valuable for yet another reason -- its potential for becoming a locus for environmental education. The area's easy accessibility to the city promises a high visitation rate of residents and tourists alike. Development of the refuge as an outdoor classroom will serve to help teach the value, to both wildlife and man, of this nation's dwindling wetland resource.

Third, the refuge concept holds the promise of providing new recreation opportunities for the residents of and visitors to the New Orleans area. Once developed, the refuge will draw thousands of visitors who want to pursue wildlife-related activities. In a short time, Bayou Sauvage could well become one of the most well visited units of the refuge system.

And finally, in addition to the ecological, educational, and recreational benefits afforded by protecting the Bayou Sauvage area, there are some good economic reasons to support the proposal. For one, stemming the tide of wetland destruction in Louisiana will help offset the estimated $14 million lost annually by the state as a result of wetland loss. In addition, protection of the tidal marsh outside of the existing levees, which is a prime nursery for the fin and shell fish produced in the Lake Pontchartrain basin, will help protect that commercially valuable fishery resource. Also, city officials estimate that the economic advantages of increased tourism and reduced development costs for the city will more than offset the loss of the development potential of the 19,000 acres. Lastly, property values in the area will certainly increase when the refuge is established.

This refuge proposal would not have come about without the willingness of the landowner, South Point, Inc., to actively participate in discussions about alternatives for use of its land. The legislation before you is the outgrowth of thoughtful negotiations between South Point and the environmental community. South Point's offer to donate 19,000 acres to the federal government, while earmarking the remaining 4,500 acre tract for low density commercial and residential development, strikes us as a very reasonable compromise. The fact that this basic settlement was reached without undue confrontation is thanks to both sides talking -- and listening -- to each other. In this spirit of cooperation, we are ready, if necessary, to help in the formulation of a rational and environmentally sound plan for development of that area of South Point's tract not included in the refuge.

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This bill and its companion in the House appear to have wide support, from city officials as well as local and national environmental groups. The Reagan administration opposes the bill, supposedly because the site has not been submitted to the Fish and Wildlife Service's review process. We do not believe the property's real value is diminished by the fact that it does not head the Service's wish list for acquisition. More significantly, the circumstances surrounding the development of this proposal -- including provisions in the new tax bill which may preclude South Point from donating this land after the reform package is enacted -- have made it necessary to push this project up the priority list.

In summary, Mr. Chairman, we believe this legislation represents a once-in-a-lifetime opportunity to protect an essential part of our coastal environment in a place where a great number of people can appreciate its preservation. We urge you to support this proposal, and give it the high priority it deserves in the short time remaining in this Congress.

NOT FOR PUBLICATION UNTIL RELEASED
BY THE SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

STATEMENT BY

MR. CARL J. SCHAFER, JR.
DEPUTY ASSISTANT SECRETARY OF DEFENSE
(ENVIRONMENT)

BEFORE THE
SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
OF THE
SENATE ENVIRONMENT AND PUBLIC WORKS COMMITTEE

SEPTEMBER 18, 1986

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE:

I AM DELIGHTED TO HAVE THIS OPPORTUNITY TO MAKE A STATEMENT ABOUT THE DEFENSE DEPARTMENT'S NATURAL RESOURCES MANAGEMENT PROGRAM AND TO COMMENT ON H.R. 1202.

THIS LEGISLATION WOULD REAUTHORIZE THE SIKES ACT FOR FISCAL YEARS 1986, 1987, AND 1988; AMEND THAT ACT IN SEVERAL OTHER WAYS; AND AMEND SECTION 2665 OF TITLE 10 OF THE U.S. CODE, THE LAW THAT GOVERNS THE DEPARTMENT'S TIMBER SALE PROGRAM.

FOR MORE THAN 20 YEARS, THE COOPERATIVE PROGRAM ESTABLISHED BY THE SIKES ACT HAS FACILITATED OUR EFFORTS TO PROTECT, IMPROVE, AND MANAGE FISH AND WILDLIFE UNDER DoD STEWARDSHIP. IN CONSONANCE WITH MILITARY MISSIONS, MANY OUTSTANDING WILDLIFE AND ENDANGERED SPECIES CONSERVATION PROGRAMS ARE CARRIED OUT ON OUR INSTALLATIONS. WE ATTRIBUTE THIS FACT TO THE COOPERATION AND ASSISTANCE WE GET FROM THE U.S. FISH AND WILDLIFE SERVICE AND STATE AGENCIES, AS WELL AS TO THE 300 PROFESSIONAL NATURAL RESOURCES MANAGERS EMPLOYED BY DoD. SINCE WE ARE RESPONSIBLE FOR MANAGING ALMOST 25 MILLION ACRES OF NATURAL RESOURCES, WE RELY HEAVILY ON COOPERATION AND ASSISTANCE FROM OTHER FEDERAL AGENCIES AND THE STATES TO HELP US DO THAT JOB SATISFACTORILY. THE COOPERATIVE AGREEMENTS, SET UP BY THE SIKES ACT,

HAVE BEEN AN EFFECTIVE MEANS OF COORDINATING WILDLIFE PROGRAMS AND OUTDOOR RECREATION OPPORTUNITIES ON DEFENSE LANDS. THE MOST EFFICIENT WAY TO CONDUCT THESE PROGRAMS ON PUBLIC LANDS IS EXEMPLIFIED BY THE MECHANISM SET UP BY THE SIKES ACT.

ALTHOUGH WE SUPPORT REAUTHORIZATION OF THE SIKES ACT AS CONTAINED IN H.R. 1202 AND FAVOR OTHER PROVISIONS WHICH WOULD IMPROVE OUR WILDLIFE MANAGEMENT PROGRAM, WE OPPOSE ENACTMENT OF H. R. 1202 UNLESS CERTAIN MODIFICATIONS ARE MADE TO THE BILL AS PASSED BY THE HOUSE. THOSE CHANGES ARE DESCRIBED IN THE DOD REPORT SENT TO THE SENATE ARMED SERVICES COMMITTEE LAST JANUARY AND WHICH IS SUBMITTED TODAY FOR THE RECORD. THE ADMINISTRATION SUPPORTS THE SENATE'S VERSION OF SIKES ACT REAUTHORIZATION, S. 1352, WHICH CONTAINS NO OTHER PROVISIONS.

I'D LIKE TO SUMMARIZE THE CHANGES WE'VE REQUESTED TO H.R. 1202. THE ADMINISTRATION OPPOSES SECTION 2(D) WHICH WOULD PROHIBIT THE APPLICATION OF OMB CIRCULAR A-76 TO THE IMPLEMENTATION AND ENFORCEMENT OF FISH AND WILDLIFE COOPERATIVE PLANS. THE A-76 PROGRAM IS AN EFFECTIVE MEANS OF IMPROVING FEDERAL PROGRAM PRODUCTIVITY AND IS CURRENTLY SAVING THE TAXPAYERS ABOUT $400 MILLION PER YEAR IN DEFENSE PROGRAMS ALONE. IT WOULD BE UNWISE TO EXEMPT SIKES ACT PROGRAMS FROM A-76.

SECTION 3 OF H.R. 1202 WOULD AMEND 10 U.S.C. 2665 WHICH EARMARKS RECEIPTS FROM DoD TIMBER SALES IN TWO WAYS. FIRST, IT WOULD EXPAND THE ALLOWABLE USES OF THESE RECEIPTS. WE SUPPORT THAT CHANGE. HOWEVER, THE ADMINISTRATION OPPOSES THE SECOND CHANGE WHICH WOULD ALLOW DoD TO RETAIN OF ALL OF THE NET PROCEEDS FROM TIMBER SALES TO REIMBURSE NATURAL RESOURCES MANAGEMENT EXPENSES. CURRENTLY, WE RETAIN 50% OF THE NET AND THE REST GOES TO THE TREASURY. IN FY 1985, THE PROCEEDS FROM ALL DoD TIMBER SALES, AFTER REIMBURSING FOREST MANAGEMENT EXPENSES AND PAYING THE HOST STATES' ENTITLEMENTS WAS ABOUT $2 MILLION. THE LEVEL OF PROGRAM FUNDING IS NOT RELATED TO THE NEED FOR FUNDING, AND THE ADMINISTRATION BELIEVES THIS ADDITIONAL INFLEXIBILITY IN THE BUDGET PROCESS WOULD BE UNACCEPTABLE.

WE HAVE REQUESTED THAT A NEW PROVISION BE ADDED TO THE BILL WHICH WOULD AMEND 10 U.S.C. 2665. THIS CHANGE IS NEEDED TO MAKE OUR COMMERCIAL FORESTRY PROGRAM MORE ECONOMICAL. PRESENTLY, THE WORDS "OPERATIONS AND MAINTENANCE" IN THAT LAW HAVE CAUSED DoD'S COMPTROLLERS TO ALLOW USE OF ONLY OPERATIONS AND MAINTENANCE ACCOUNTS. WE ARE NOT PERMITTED TO PURCHASE EQUIPMENT COSTING MORE THAN $5,000 FROM O&M ACCOUNTS, SO WE ARE FORCED TO LEASE FORESTRY

EQUIPMENT EVEN WHERE IT IS NOT ECONOMICAL TO DO SO. WE WOULD RATHER MAKE THE LEASE OR BUY DECISION DEPENDENT ON AN ECONOMIC ANALYSIS RATHER THAN RULES GOVERNING THE O&M ACCOUNT. THEREFORE, WE HAVE ASKED FOR AN AMENDMENT TO 10 U.S.C 2665 TO DELETE THE "OPERATIONS AND MAINTENANCE" TERMINOLOGY. WE BELIEVE THAT CONGRESS' ORIGINAL INTENT TO USE TIMBER SALES INCOME TO PAY ALL COMMERCIAL TIMBER MANAGEMENT EXPENSES WOULD BE BETTER SERVED BY ENACTING THIS AMENDMENT.

CURRENTLY SECTION 2 (A) OF H.R. 1202 WOULD REQUIRE EACH OVERALL MULTIPLE USE MANAGEMENT PLAN TO BE IN CONSONANCE WITH THE APPLICABLE COOPERATIVE AGREEMENT. AN INSTALLATION'S MANAGEMENT PLAN COMPREHENSIVELY DESCRIBES WHAT IS NECESSARY TO MAINTAIN AND ENHANCE ALL NATURAL RESOURCES FOR VARIOUS USES AT AN INSTALLATION. THE COOPERATIVE AGREEMENT DESCRIBES WHO (FISH AND WILDLIFE SERVICE, THE STATE, OR THE INSTALLATION) WILL DO CERTAIN THINGS TO IMPLEMENT THE FISH AND WILDLIFE MANAGEMENT PORTION OF THE OVERALL PLAN. WE RECOMMEND MODIFYING SECTION 2 (A) TO REQUIRE EACH COOPERATIVE AGREEMENT TO BE IN CONSONANCE WITH THE OVERALL NATURAL RESOURCES MANAGEMENT PLAN APPLICABLE TO THE PROPERTY. THAT REVISION WOULD MAKE THE INTERDEPENDENT RELATIONSHIP BETWEEN THE TWO DOCUMENTS MORE WORKABLE AND LOGICAL, SINCE THE AGREEMENT IS A MEANS OF IMPLEMENTING THE OVERALL PLAN.

THIS CONCLUDES MY STATEMENT.

DEPARTMENT OF THE ARMY
WASHINGTON, D.C. 20310

31 JAN 1986

Honorable Barry Goldwater
Chairman
Committee on Armed Services
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

Reference is made to your request to the Secretary of Defense for the views of the Department of Defense on H.R. 1202, 99th Congress, an Act "To enhance the carrying out of fish and wildlife conservation and natural resource management programs on military reservations, and for other purposes." The Department of the Army has been assigned responsibility for expressing the views of the Department of Defense on this Act.

The purpose of the Act is to reauthorize the Sikes Act through Fiscal Year 1988 and to amend certain of its provisions to promote the carrying out of fish and wildlife conservation and natural resource management programs on military reservations.

The Administration opposes enactment by the Senate of H.R. 1202 unless amended as recommended in this report.

Department of Defense policy is to manage military lands consistent with the military mission with a secondary emphasis on the utilization of the various resources in a manner determined best for the present and future needs of the American people. The coordinated management of all aspects of natural resources, including fish and wildlife conservation, soil and water management, forest management, outdoor recreation, wetlands protection, endangered species and natural beauty protection, and base attractiveness are considered in a multiple-use management plan.

Under section two of the Act, timber resources and land covered under a cooperative plan could be sold or leased only if compatible with the purposes of the cooperative plan

for fish and wildlife. Such an approach would be contrary to the multiple-use management of natural resources practiced on military installations as dictated by section 1(a)(1) of the Act and would limit the flexibility of installations in the resources management programs. In order to alleviate this situation, we recommend that section 2(a) of the Act be revised to require that each cooperative plan be consistent with and supportive of the specific installation's integrated natural resources management plan by revising the proposed section 101(b)(3) of the Act to read as follows:

> "must take into account and be in consonance with the multi-use natural resources management plan applicable to the reservation covered by the cooperative plan; and."

Section 2(a) of the Act would add subsection 101(d)(1) to the Sikes Act to prohibit the application of OMB Circular A-76 to the implementation and enforcement of cooperative plans entered into under the Act. The A-76 Program has proven to be an effective productivity tool as confirmed by recent Department of Defense and General Accounting Office audits. The A-76 Program in the Department of Defense is currently yielding budget savings of $400 million. No specific problems with the A-76 contracting activities have been identified. Accordingly, the Department of the Army, on behalf of the Department of Defense, opposes the proposed subsection 101(d)(1) and urges that it be deleted from the Act.

Section 2(a) of the Act adds a new subsection 101(d)(2) to the Sikes Act to require that priority for services to implement or to enforce cooperative plans be given to the Federal and State fish and wildlife agencies. The services necessary to implement the program, such as the stocking of fish, pond maintenance, planting food plots, etc., should be procured by the most cost-effective means. Giving priority to Federal and State fish and wildlife agencies for such services may result in less cost-effective implementation of management plans. Further, this section establishes a rule for fish and wildlife management that does not apply to

other elements of the natural resources program. The separate rule works against the integrated natural resources management policy. We suggest that this subsection be deleted.

Section 1(c) of H.R. 1202 requires the preparation of a detailed report setting forth the expenditures for fish and wildlife management on each military installation during Fiscal Year 1986. Much of the money spent in fulfilling our wildlife stewardship is accounted for within a larger category of expenditures such as grounds maintenance or outdoor recreation. The proposed report would require expanded and detailed accounting for all fish and wildlife expenditures with accompanying manpower and paperwork demands. The usefulness of such reporting is questionable and appears contrary to the Administration's paperwork reduction policy. We recommend that this section be deleted.

Revenues collected by Department of Defense installations are proprietary income of the United States. The word "State" in section 2(b)(4)(A) creates confusion as to whether the revenues collected are Federal or State. To correct this confusion, we recommend that this language be stricken from the Act. Furthermore, a police enforcement function as suggested runs contrary to the posse comitatus prohibition for Federal officials.

Some military installations with noncontiguous geographic boundaries are managed under the same integrated natural resource management plan and cooperative agreement. Section 2(b)(4)(B) of the Act could be interpreted to exclude spending revenues with respect to the non-contiguous portion of an installation. In order to avoid this, we recommend such section be revised to read:

> "the fees collected under this paragraph may be expended only with respect to the cooperative plan applicable to the military reservation on which collected."

Section 3 of the Act amends section 2665(f) of title 10, United States Code, dealing with the earmarking of receipts from timber sales on Department of Defense lands in two ways. First, section 3 would expand allowable uses for such receipts. We support this change. The second change would expand the percentage of such receipts from 50 percent to 100 percent. In general, the Administration opposes this because it is inconsistent with sound budgetary principles. The level of program funding is not related to the need for funding. In this era of fiscal stringency, it is unacceptable to increase the inflexibility of the budget process as this proposal would do. Accordingly, we strongly recommend that the phrase "the amount equal to one half" be inserted after the phrase "There shall be deposited into the reserve account..." in section 3 of H.R. 1202.

In addition, we recommend that a section be added to amend section 2665(d) of title 10, United States Code, by deleting the words "available for operation and maintenance during a fiscal year" and "during such fiscal year." The expenditure of operation and maintenance funds for the purchase of equipment is limited to $3,000 per purchase. The recommended deletion will permit the reimbursement of procurement funds utilized to purchase forestry equipment costing in excess of $3,000.

This report has been coordinated within the Department of Defense in accordance with procedures prescribed by the Secretary of Defense.

The Office of Management and Budget advises that, from the standpoint of the Administration's program, there is no objection to the presentation of this report for the consideration of the Committee.

Sincerely,

(Signed) Michael W. Owen

John W. Shannon
Assistant Secretary of the Army
(Installations and Logistics)

Michael W. Owen
Principal Deputy Assistant Secretary of the Army
(Installations and Logistics)

Working for the Nature of Tomorrow.

NATIONAL WILDLIFE FEDERATION

1412 Sixteenth Street, N.W., Washington, D.C. 20036-2266 (202) 797-6800

COMMENTS OF THE NATIONAL WILDLIFE FEDERATION

ON

REAUTHORIZATION OF THE SIKES ACT

SUBMITTED TO

THE SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION
COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS
UNITED STATES SENATE

by

J. Scott Feierabend
Legislative Representative
Fisheries and Wildlife Division

National Wildlife Federation

September 17, 1986

The National Wildlife Federation (NWF) is pleased to present its views to the Environmental Pollution Subcommittee of the Environment and Public Works Committee on reauthorization of the Sikes Act (H.R. 1202, S. 1352). Earlier this month, the NWF testified before the Military Construction Subcommittee of the Armed Services Committee in full support of the House bill. We continue to support all provisions contained in H.R. 1202 and recommend that this Subcommittee adopt the House bill in place of S. 1352, which simply reauthorizes the Sikes Act without amendments through FY 1988.

Some individuals might argue that wildlife management and the military mission of Department of Defense (DOD) installations are mutually exclusive activities. However, as illustrated below, providing habitat for wildlife on military bases promotes a land ethic that is consistent with, if not critical to, the successful fulfillment of the military mission.

The deterioration of military training lands is a major problem on many of today's installations. The development of new weapons systems and tactics have resulted in tremendous pressures on military lands. As a result, tens of thousands of DOD acres are now classified as "nontraining" due to severe erosion and denuding of vegetation. Importantly, the removal of training lands because of resource degradation comes at a time when military land holdings are gradually, yet steadily, decreasing. Fiscal austerity -- let alone resource stewardship -- dictates that the DOD redouble its efforts to better manage the vast renewable natural resources held in trust for the American public. Sound

resource management practices and the military mission, then, are not only compatible, but inseparable.

An additional benefit that the military derives from sound wildlife management on its bases is an improved quality of life for DOD personnel. Bases that offer their individuals positive outdoor recreational opportunities -- such as hunting, fishing, and other wildlife-related activities -- are clearly to the benefit of the military and its mission. Providing active and retired military personnel opportunities to participate in these types of on-base recreation boosts morale and promotes pride in the base. The fact that the demand for hunting and fishing opportunities on military bases far outstrips the supply is testament to the need for better and more intensive wildlife management programs on these areas. In fact, many bases cannot even provide adequate hunting opportunities for their own personnel, let alone civilian sportsmen. The NWF believes good natural resource management leads to improved personnel morale.

On 29 July 1985, the House passed and referred to the Senate its reauthorization of the Sikes Act (H.R. 1202). This bill authorizes appropriations to carry out conservation programs on military reservations and public lands during FY 1986, 1987, and 1988, and amends the Sikes Act in a number of ways that will better promote natural resource management on military lands (see H. Rep. 99-129, Part I, p.4). The House bill also will do much to resolve many of the longstanding problems that military fish and wildlife managers face. The NWF and other national conservation

organizations and associations are on record in strong support of the House bill.

Two issues central to the pending legislation that merit attention are the cooperative plans established under Section 2(a) of H.R. 1202 and the subordination of fish and wildlife management to forestry and agricultural interests on military lands.

1. Cooperative plans do not give "veto power" to fish and wildlife interests over forestry and agricultural interests.

Section 2(a)(1) of H.R. 1202 authorizes the Secretary of Defense to develop, in cooperation with the Secretary of the Interior and the appropriate state agency, a natural resource management plan for each installation of the military. Opponents to the amendment assert that this provision will bias the natural resource programs on military bases toward fish and wildlife and away from forestry and agriculture. This argument is groundless for a number of reasons.

First, the amendment does not mandate, or in any way require, that the Defense Secretary emphasize fish and wildlife -- or agriculture or forestry, for that matter -- management in the cooperative plan. The plan simply provides that fish and wildlife needs are considered when developing natural resource management programs for military installations. In fact, Section 1(a)(1) of H.R. 1202 explicitly states that such emphasis shall not be given

to a particular resource management program, but that the Secretary of each military department shall manage the natural resources of each military reservation "so as to provide for sustained multipurpose uses of those resources". [emphasis provided]

Second, the cooperative plan must be agreed to mutually by the Secretaries of Defense and the Interior and the appropriate state authority. The final plan is not, as some may perceive, constructed unilaterally by wildlife interests and then thrust on the DOD without prior consultation and input. To the contrary, DOD has access to input at all stages of the planning process. This provision ensures that the final plans are acceptable to all interests, not just those of fish and wildlife.

Finally, Section 2(a)(1)(b)(2) requires that the cooperative plan be reviewed as to operation and effect at least every five years. This periodic review will provide regular opportunity for all interests on a particular base to modify and "fine-tune" their management plan in order that it reflect a natural resource policy that is truly "multipurpose".

The real issue -- and one that all parties interested in this legislation must recognize and appreciate -- is that forestry, agriculture, and fish and wildlife management need not be mutually exclusive activities. With close coordination and candid dialogue between the various managers and decision makers, military bases can have integrated resource management programs that yield

benefits to not only fish and wildlife, but to foresters and agronomists as well. The cooperative plan embodied in the House bill will accomplish this balance by providing for the management of all natural resources on military lands. As expressed by the House Committee, "it is intended that the goals and objectives of the fish and wildlife management plan receive adequate consideration in relation to timber harvest, agriculture, and other natural resource uses on military lands". The NWF believes that the provision brings such a balance to the military's natural resource management program without biasing that program to any particular user-producer constituent.

2. Fish and wildlife interests have been subordinated to forestry and agricultural interests on military lands.

The House amendments, which seek to balance the natural resource management programs on military lands, were crafted to resolve the longstanding bias given to agriculture and forestry interests on DOD bases over those of fish and wildlife. While such inequities between programs do, in fact, exist, many persons have asserted that evidence to support such claims is lacking. The following two examples provide such evidence and illustrate that, indeed, fish and wildlife have taken a "back seat" to agriculture and forestry interests on military lands.

a. DOD staffing and hiring practices reflect an imbalance.

DOD staffing policies reflect an inherent bias towards natural resource "commodity" production (i.e., forestry and agriculture) on military bases. Clear example of this can be found in the Army's regulation and staffing guide, which provide greater authority to foresters and agronomists than to wildlife biologists. As illustrated by the attached table (Table 1), the Fish and Wildlife Section of the Army is at a lower staffing level than that of the Forestry Section which, in turn, is at a lower staffing level than that of the Land Management Branch. Because the Army regulations prescribe that the Director of the Land Management Branch be a "Management Agronomist," land use decisions on military bases are more likely than not to favor agricultural rather than fish and wildlife production.

A similar situation exists in the Navy where agronimists routinely supervise wildlife biologists. This is particularly true on West Coast bases where agronomists also frequently are administrators of the realty program. Thus, when a decision must be made on these bases to develop an area for agriculture or wildlife, chances are they will be developed for agriculture.

b. DOD fiscal outlays for wildlife programs reflect an imbalance.

Close examination of DOD expenditures for its natural resource management programs reveal that agronomy and forestry programs

have received disproportionate funding at the expense of fish and wildlife management. Table 2 contains information on DOD's expenditures for its FY 1984 and 1985 wildlife, agronomy and forestry programs. As these data illustrate, 5% of the total acreage of military bases was outleased for agronomy/grazing, 10% of the total acreage was managed as forests, and 53% of the total acreage was available for hunting and fishing. In terms of funding, agronomy and forestry received approximately 70% of the budget during these years, while fish and wildlife received only 30%. Thus from DOD policy, as reflected in funding levels, it is clear that the military's natural resource management programs are strongly oriented toward agriculture and forestry rather than fish and wildlife.

ADDITIONAL VIEWS

1. Sale-lease restrictions

Section 2(a)(1) of the House bill also stipulates that sales or leasing of land or sales of forest products from land subject to the cooperative management plan shall be permitted only when this activity is compatible with the purposes of the plan. This provision provides additional assurance that natural resource management on individual military bases truly reflects a multiple use policy and that fish and wildlife resources receive equal consideration with other resource uses on military installations.

The sale-lease restriction amendment will encourage and, in fact, require that military resource managers formulate and implement integrated natural respurce management programs on their military reservations. Because land management practices for forestry, agriculture, and wildlife are so closely interrelated, emphasizing one management practice on an installation adversely affects the others. This provision of the House bill represents a break with past DOD management policies which have embraced forestry and agriculture at the expense of fish and wildlife. Instead, the DOD now will be required to optimize the utilization of all products of the land, not just those that are viewed as generating revenues for the installations. Most importantly, the provision would give the cooperative management plan legal status that cannot be overridden or ignored by the installation commander.

History demonstrates that wildlife interests on military installations will continue to be subordinate to those of agriculture and forestry unless Congress instructs DOD to do otherwise. House amendment 2(a)(1) provides the guidance necessary to change the status quo and to require, in the truest sense, sustained multiple use of natural resources on military lands. Adoption of this amendment by the Environmental Pollution Subcommittee will result in a balanced natural resource program that will at last place fish and wildlife interests on a footing equal to those of agriculture and forestry. The NWF urges the Subcommittee to incorporate this provision into the Senate bill.

2. Contracting Services Using OMB Circular A-76

A key provision embodied in Section 2(a) of the House bill is that activities and services associated with the implementation and enforcement (game warden duties) of the cooperative management plans are explicitly exempted from the provisions of Circular A-76 of the Office of Management and Budget (OMB). The NWF voices its strong support for this language for a number of reasons.

First, the exemption would ensure that management and conservation of fish and wildlife resources on military installations are administered by individuals with professional schooling and training. Under A-76, activities critical to successful military wildlife management programs that can be performed only by competent professionals -- such as wildlife research, habitat monitoring and evaluation, population censusing, conservation education, and program budgeting -- could be contracted out to persons who lack the skill and the training needed to fulfill these important responsibilities. The result will be to erode and eventually destroy long-term research and management efforts of fish and wildlife resources on military lands.

For example, military commanders typically apply A-76 to fish and wildlife programs by combining them into single multimillion-dollar facilities engineering packages. Because the fish and wildlife component of these packages is so small, firms with expertise in engineering, rather than natural resource management, assuredly will bid and receive the contract for the project. In

the end, fish and wildlife programs are contracted out to corporations that lack fish and wildlife management training. These corporations, then, ultimately assume responsibility for developing and implementing fish and wildlife management plans for the nation's military bases.

Second, the DOD currently has policies implying that professional fish and wildlife programs should not be contracted under A-76. Despite these policies, the Army in particular continues to use A-76 to contract for natural resource activities on its bases. Not only have the House and several national conservation organizations voiced their opposition to the A-76 process, but the DOD's own professional resource managers also vigorously oppose the policy. In December 1984, the National Military Fish and Wildlife Association, a nonprofit organization comprised primarily of DOD professional natural resource personnel working to improve fish and wildlife management on military lands, sent a letter to Secretary Weinberger opposing the use of A-76. More recently, a telephone survey conducted by the NWF earlier this month with natural resource program managers on 20 military installations revealed that 100% (20 of 20) were opposed to contracting out professional fish and wildlife responsibilities under A-76.

Third, although Section 2(a)(1) removes the implementation and enforcement of cooperative wildlife management plans from the requirements of A-76, it does not eliminate the contracting out of various services contained within the individual fish and wildlife programs. Such contracting already is used for nonprofessional

services, which includes such items as planting wildlife food plots, mowing, disking, and pond construction. The House bill also stipulates that, in the event the DOD elects to provide these nonprofessional services through contract, the U.S. Fish and Wildlife Service (FWS) or the appropriate state fish and wildlife agency will receive priority consideration for the award of these contracts. While we support this provision, it is unlikely that the FWS or the states would bid on services normally conducted by farmers, private construction firms, and others.

Finally, Congress already has spoken in opposition to use of A-76 for contracting services by the natural resource agencies -- Fish and Wildlife Service (FWS), National Park Service (NPS) and Bureau of Land Management (BLM). In October 1984, Congress amended the "Volunteers in the Parks Act of 1969" (P.L. 98-540) to expressly prohibit the FWS, NPS, and BLM from implementing provisions of A-76 as it applied to their activities. Specifically,

> "The provisions of Office of Management and Budget Circular A-76 and any similar provisions in any other order or directive shall not apply to activities conducted by the National Park Service, United States Fish and Wildlife Service, and the Bureau of Land Management which involve ten full time equivalents (FTE) or less."

For this reason alone, the Subcommittee should reject the Administration's request to restore this language to the Senate bill.

In summary, Section 2(a) exempts the contracting of professional fish and wildlife management responsibilities from A-76 while providing flexibilty to contract for nonprofessional services such

as construction, mowing, and planting. Retaining this provision in the Senate bill will ensure long-term continuity of fish and wildlife management efforts on military lands. The NWF supports this provision in full.

3. Funding Natural Resources Management On Military Bases

Section 3 of the House bill amends provisions relating to reserve accounts maintained by the Treasury Department for specified uses of forest lands under jurisdiction of the Defense Secretary. This Section specifically provides that excess funds generated from the sale of timber on military reservations be spent on natural resources management. Such a provision would not adversely affect forestry programs or payments made to the states, since these programs would continue to be funded consistent with current practice.

In adopting Section 3, the House concluded that forestry activities on military lands result in significant impacts on fish and wildlife resources and, therefore, that restoration of these resources pursuant to a cooperative plan should be eligible to receive funding from the forestry reserve account. Because forestry receipts often are accomplished at the expense of wildlife, due to such things as the planting of pine monocultures, the expenditures of these revenues for wildlife is a necessary form of mitigation.

Forestry programs are fully funded by timber revenues and agricultural programs are strongly supported by revenues from leasing. By contrast, wildlife programs are only partially supported by hunting and fishing permit sales. Unlike forestry and agricultural receipts, these fish and wildlife programs cannot be expected to be completely self-sufficient since many components of the programs do not involve hunting or fishing and, therefore, are not direct revenue generators. However, because sound wildlife management practices also foster land stewardship, the military has much to gain through an active and affirmative commitment to wildlife management on military installations. The NWF therefore encourages the Subcommittee to adopt Section 3 of the House bill to allow forestry receipts to be used for wildlife management programs on military bases.

4. Applicability To Military Bases Outside The U.S.

According to the DOD, the total land area of military installations in the lower 48 states, Alaska, and Hawaii is 24.3 million acres. The U.S. military also possesses 0.1 million acres and leases 2.01 million acres on foreign soil. Currently the provisions of the Sikes Act do not apply to foreign installations or possessions, trust territories, or leases. Although these lands represent only 8% of the total U.S. military acreage, there may be value in extending the resource conservation provisions of the Act to these lands. While we do not propose amending the bill

at this late date, we feel it may be appropriate for the Subcommittee to initiate a Congressional investigation to examine whether there is a need for such an extension at some future date.

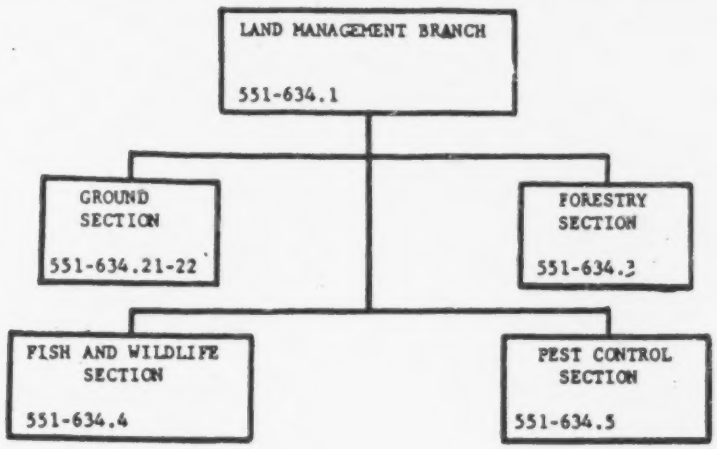
Conclusion

To conclude, the NWF supports all of the amendments contained in the House version of the Sikes Act reauthorization bill (H.R. 1202). We urge the Environmental Pollution Subcommittee to adopt the House bill in full and to report it out without amendments. Timely passage by the Environment and Public Works Committee will be required to ensure that Senate action can be completed on the bill before the 99th Congress adjourns next month.

TABLE 1

★Section XIII. DIRECTORATE OF FACILITIES ENGINEERING—Continued
BUILDINGS AND GROUNDS DIVISION—Continued
LAND MANAGEMENT BRANCH (Code Series 551–634)

Note. Functions represented by staffing tables in this area should be organizationally grouped in accordance with principles of organization contained in AR 10-10 and related instructions disseminated by appropriate authority.



★Section XIII. DIRECTORATE OF FACILITIES ENGINEERING—Continued
BUILDING AND GROUNDS DIVISION—Continued
LAND MANAGEMENT BRANCH—Continued

Applicable at Type A ✓ B ✓ C ✓ D ✓ installations

Table 551-634.1: Office of Chief, Land Management Branch

Work Performed. Plans, programs, and accomplishes the management of land and water areas and the renewable natural resources. Prepares and implements long range and annual plans by establishing standards, acceptable practices, and goals for the maintenance, environmental protection and development of grounds, agricultural outleases, forests, fish and wildlife habitats, and outdoor recreational areas. Reviews and integrates land, forest, fish, and wildlife programs to maintain a properly balanced land management effort. Prepares reports and defines planning requirements. Maintains liaison with operating and research agencies engaged in land, forest, fish, and wildlife management. Provides support to the "Installation Conservation and Beautification Committee." Performs pest control activities.

Yardstick	Management requirement		1*
	Civilian positions		
Line	Title	Code	Position delineation	Number of positions
1	MANAGEMENT AGRONOMIST	GS-0471	C	1

*Staffing table indicates the typical manpower requirement for this function based on research which indicates no significant variation in the number of manpower utilized.

Table 2. DOD Expenditures for Natural Resource Programs

	FY 1984	FY 1985
	(in millions)	
Hunting and Fishing		
acres available	12.50	12.34
program expenses	$6.58	$7.48
Agriculture and Grazing		
acres outlease	1.42	1.24
program expenses	$1.45	$2.17
Forestry		
acres of managed forest	2.30	2.30
program expenses	$10.08	$9.98

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COMMENTS OF THE

NATIONAL WILDLIFE FEDERATION

AND THE

LOUISIANA WILDLIFE FEDERATION

ON A BILL TO ESTABLISH THE

BAYOU SAUVAGE URBAN NATIONAL WILDLIFE REFUGE

IN THE STATE OF

LOUISIANA

SUBMITTED TO

SUBCOMMITTEE ON ENVIRONMENTAL POLLUTION

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

UNITED STATES SENATE

BY

J. SCOTT FEIERABEND

LEGISLATIVE REPRESENTATIVE

FISHERIES AND WILDLIFE DIVISION

NATIONAL WILDLIFE FEDERATION

SEPTEMBER 17, 1986

On behalf of its 4.6 million members and supporters, the National Wildlife Federation (NWF) voices its strong support for S. 2741, a bill to establish Bayou Sauvage Urban National Wildlife Refuge. Our affiliate, the Louisiana Wildlife Federation and its members, also vigorously support this bill. S. 2741, and the accompanying House bill H.R. 5262, is the culmination of an issue that has divided conservationists and developers in Louisiana for years. Constructive dialogue, cooperation, and compromise among the conservation community, the developers, the business community, and the City of New Orleans, however, have yielded a blueprint that will at last resolve the issue to everyone's satisfaction. Our organizations now join these groups in urging the Congress to complete the process underway by passing legislation to authorize the establishment of Bayou Sauvage.

The environmental values the proposed refuge will provide have been well documented in testimony presented before this Subcommittee and before the House Fisheries and Wildlife Subcommittee of the Merchant Marine and Fisheries Committee. There is no need to recite this information in detail aside from reiterating that the refuge will provide the City of New Orleans storm surge protection from hurricanes, pollution control for Lake Ponchatrain, and important habitat for a myriad of commercially and recreationally important species of fish and wildlife.

The educational value of the Bayou Sauvage Urban National Wildlife Refuge as an outdoor classroom also has been described in detail for the Senate and House Subcommittees. The size of the proposed refuge, its proximity to New Orleans, the diversity of habitat

types represented on the area, and the abundance of resident and migratory fish and wildlife species all make Bayou Sauvage a prime candidate for inclusion into the National Wildlife Refuge System. In fact, because of these resources, when fully developed, Bayou Sauvage will be a regionally -- if not nationally -- important unit of the refuge system. This is especially true because of the tourist industry of New Orleans and the city's importance as a national convention center.

Given the value of this area to fish and wildlife resources and educational opportunities, as well as the unprecedented consensus among the concerned parties, the National Wildlife Federation and Louisiana Wildlife Federation urge passage of S. 2741 without amendment. Prompt action on the bill will be required to ensure that certain tax benefits available to the property owner are not foreclosed by revised or modified tax laws. The House has placed the bill on a fast track and it is expected to be reported out of Committee today, September 17, 1986. We urge the Environmental Pollution Subcommittee to adopt a similar expedited review process and to release S. 2741 out of committee and to seek timely passage.

II

Calendar No. 201

99TH CONGRESS
1ST SESSION

S. 1352

To authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1986, 1987, and 1988.

IN THE SENATE OF THE UNITED STATES

JUNE 25 (legislative day, JUNE 3), 1985

Mr. CHAFEE, from the Committee on Environment and Public Works, reported the following original bill; which was read twice and placed on the calendar

---

A BILL

To authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1986, 1987, and 1988.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. AUTHORIZATION OF APPROPRIATIONS.—(a) Subsections (b) and (c) of section 106 of the Sikes Act (16 U.S.C. 670f (b) and (c)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

(b) Subsections (a) and (b) of section 209 of the Sikes Act (16 U.S.C. 670o (a) and (b)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

Calendar No. 201

99TH CONGRESS
1ST SESSION

S. 1352

A BILL

To authorize appropriations to carry out conservation programs on military reservations and public lands during fiscal years 1986, 1987, and 1988.

JUNE 25 (legislative day, JUNE 20), 1985
Read twice and placed on the calendar

II

99TH CONGRESS
1ST SESSION

H. R. 1202

IN THE SENATE OF THE UNITED STATES

JULY 31 (legislative day JULY 16), 1985

Received; read twice and referred to the Committee on Armed Services

AN ACT

To enhance the carrying out of fish and wildlife conservation and natural resource management programs on military reservations, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. NATURAL RESOURCES AND FISH AND WILDLIFE MANAGEMENT ON MILITARY RESERVATIONS; REPORT ON MILITARY EXPENDITURES FOR FISH AND WILDLIFE MANAGEMENT.

(a) NATURAL RESOURCES MANAGEMENT.—The Secretary of each military department shall manage the natural

resources of each military reservation within the United States that is under the jurisdiction of the Secretary—

(1) so as to provide for sustained multipurpose uses of those resources; and

(2) to provide the public access that is necessary or appropriate for those uses;

to the extent that those uses and that access are not inconsistent with the military mission of the reservation.

(b) FISH AND WILDLIFE MANAGEMENT SERVICES.—The Secretary of each military department shall ensure, to the extent feasible, that the services necessary for the development, implementation, and enforcement of fish and wildlife management on each military reservation within the United States under the jurisdiction of the Secretary are provided by the Department of Defense personnel who have professional training in those services.

(c) FISH AND WILDLIFE MANAGEMENT REPORT.—The Secretary of each military department shall submit to each House of the Congress, before the close of the one-hundred-and-eighty-day period occurring after the close of fiscal year 1986, a detailed report setting forth the amount and purpose of all expenditures made during fiscal year 1986 for fish and wildlife management on each military reservation in the United States under the jurisdiction of the Secretary.

(d) DEFINITIONS.—As used in this section—

(1) The term "military department" means the Department of the Army, the Department of the Navy, and the Department of the Air Force.

(2) The term "United States" means the States, the District of Columbia, the Commonwealth of Puerto Rico, and the territories and possessions of the United States.

SEC. 2. SIKES ACT AMENDMENTS.

(a) COOPERATIVE PLANS.—(1) Section 101 of the Act of September 15, 1960 (commonly referred to as the "Sikes Act"; 16 U.S.C. 670a) is amended to read as follows:

"SEC. 101. (a) The Secretary of Defense is authorized to carry out a program of planning for, and the development, maintenance, and coordination of, wildlife, fish, and game conservation and rehabilitation in each military reservation in accordance with a cooperative plan mutually agreed upon by the Secretary of Defense, the Secretary of the Interior, and the appropriate State agency designated by the State in which the reservation is located.

"(b) Each cooperative plan entered into under subsection (a)—

"(1) shall provide for—

"(A) fish and wildlife habitat improvements or modifications,

"(B) range rehabilitation where necessary for support of wildlife,

"(C) control of off-road vehicle traffic, and

"(D) specific habitat improvement projects and related activities and adequate protection for species of fish, wildlife, and plants considered threatened or endangered;

"(2) must be reviewed as to operation and effect by the parties thereto on a regular basis, but not less often than every 5 years;

"(3) must require that the parties thereto will cooperate in, and take the cooperative plan into account during, the development and review of any multiuse natural resources management plan applicable to the reservation covered by the cooperative plan; and

"(4) may stipulate the issuance of special State hunting and fishing permits to individuals and require payment of nominal fees therefor, which fees shall be utilized for the protection, conservation, and management of fish and wildlife, including habitat improvement and related activities in accordance with the cooperative plan; except that—

"(A) the Commanding Officer of the reservation or persons designated by that Officer are authorized to enforce such special hunting and fish-

ing permits and to collect the fees therefor, acting as agent or agents for the State if the cooperative plan so provides, and

"(B) the fees collected under this paragraph may not be expended with respect to other than the military reservation on which collected.

"(c) After a cooperative plan is agreed to under subsection (a)—

"(1) no sale of land, or forest products from land, that is subject to that plan may be made under section 2665 (a) or (b) of title 10, United States Code; and

"(2) no leasing of land that is subject to that plan may be made under section 2667 of such title 10;

unless the effects of that sale or leasing are compatible with the purposes of the plan.

"(d) With regard to the implementation and enforcement of cooperative plans agreed to under subsection (a)—

"(1) neither Office of Management and Budget Circular A–76 nor any successor circular thereto applies to the procurement of services that are necessary for that implementation and enforcement; and

"(2) priority shall be given to the entering into of contracts for the procurement of such implementation and enforcement services with Federal and State agen-

cies having responsibility for the conservation or management of fish or wildlife.

"(e) Cooperative plans agreed to under the authority of this section and section 102 shall not be deemed to be, nor treated as, cooperative agreements to which the Federal Grant and Cooperative Agreement Act of 1977 (41 U.S.C. 501 et seq.) applies.".

(2) Subsection (d)(1) of such section 101 (as added by paragraph (1)) shall not affect any contract entered into before the date of the enactment of this Act for the provision of services to implement or enforce a cooperative plan under this Act on any military installation; but shall apply to the renewal, after such date of enactment, of any such contract.

(b) FUNDS COLLECTED UNDER PLANS.—Subsection (a) of section 106 of the Sikes Act (16 U.S.C. 670f(a)) is amended by adding at the end thereof the following new sentence: "All funds that are so collected shall remain available until expended.".

(c) AUTHORIZATION OF APPROPRIATIONS.—Subsections (b) and (c) of section 106 of the Sikes Act (16 U.S.C. 670f (b) and (c)) are each amended by striking out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

(2) Subsections (a) and (b) of section 209 of the Sikes Act (16 U.S.C. 670o (a) and (b)) are each amended by strik-

ing out "and 1985," and inserting in lieu thereof "1985, 1986, 1987, and 1988,".

SEC. 3. FOREST PRODUCTS ON MILITARY RESERVATIONS.

Section 2665(f) of title 10, United States Code, is amended—

(1) by amending paragraph (1)(C) to read as follows:

"(C) for natural resources management that implements approved plans and agreements.", and

(2) by amending paragraphs (2) and (3) to read as follows:

"(2) There shall be deposited into the reserve account the total amount received by the United States as proceeds from the sale of forest products sold under subsections (a) and (b) less—

"(A) reimbursements of appropriations made under subsection (d), and

"(B) payments made to States under subsection (e).

"(3) The reserve account may not exceed $4,000,000 on December 31 of any calendar year. Unobligated balances exceeding $4,000,000 on that date shall be deposited into the United States Treasury.".

Passed the House of Representatives July 29, 1985.

Attest: BENJAMIN J. GUTHRIE,

Clerk.

II

99TH CONGRESS
2D SESSION

S. 2741

To establish the Bayou Sauvage Urban National Wildlife Refuge in the State of Louisiana.

IN THE SENATE OF THE UNITED STATES

AUGUST 12 (legislative day, AUGUST 11), 1986

Mr. JOHNSTON (for himself and Mr. LONG) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

---

A BILL

To establish the Bayou Sauvage Urban National Wildlife Refuge in the State of Louisiana.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. PURPOSES OF REFUGE.

The purposes of the Bayou Sauvage Urban National Wildlife Refuge are—

(1) to enhance the populations of migratory, shore, and wading birds within the refuge;

(2) to encourage natural diversity of fish and wildlife species within the refuge;

(3) to protect the endangered and threatened species and otherwise to provide for the conservation and management of fish and wildlife within the refuge;

(4) to fulfill the international treaty obligations of the United States respecting fish and wildlife;

(5) to protect the archeological resources of the refuge;

(6) to provide opportunities for scientific research and environmental education, with emphasis being given to the ecological and other values of wetlands; and

(7) to provide opportunities for fish and wildlife oriented public uses and recreation in an urban setting.

SEC. 2. ACQUISITION AND ESTABLISHMENT OF REFUGE.

(a) ACQUISITION.—Within four years after the effective date of this Act the Secretary of the Interior (hereinafter in this Act referred to as the "Secretary") shall acquire the approximately nineteen thousand acres of lands and waters, and interests therein, located in Orleans Parish, Louisiana, that are depicted on the map entitled "Bayou Sauvage Urban National Wildlife Refuge", dated , 1986, and on file at the United States Fish and Wildlife Service, Department of the Interior. The lands and waters, and interests therein, acquired under this subsection comprise the Bayou Sauvage Urban National Wildlife Refuge. The acquisition

shall be made through donation, purchase with donated or appropriated funds, or exchange, or through any combination of the foregoing.

(b) ESTABLISHMENT.—At such time as sufficient lands and waters, and interests therein, have been acquired under subsection (a) to constitute an initial area that can be administered to carry out the purposes set forth in section 1, the Secretary shall establish the Bayou Sauvage Urban National Wildlife Refuge by publication of notice to that effect in the Federal Register.

(c) BOUNDARY ADJUSTMENTS.—The Secretary may make such adjustments with respect to the boundary of the Bayou Sauvage Urban National Wildlife Refuge as may be necessary to facilitate the acquisition of lands and waters, and interests therein, for the refuge and to facilitate the administration of the refuge.

SEC. 3. ADMINISTRATION OF REFUGE.

The Secretary shall administer all lands and waters, and interests therein, acquired under section 2 in accordance with the provisions of the National Wildlife Refuge System Administration Act of 1966 (16 U.S.C. 668dd–668ee) to carry out the purposes set forth in section 1. The Secretary may utilize such additional statutory authority as may be available to him for the conservation and development of wildlife and natural resources, the development of outdoor recreation op-

portunities, and interpretive environmental education as he 'onsiders appropriate to carry out such purposes. Within two years after the effective date of this Act, the Secretary shall complete a master plan for the development of the Bayou Sauvage Urban National Wildlife Refuge.

SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to the Department of the Interior—

(1) from funds not otherwise appropriated from the Land and Water Conservation Fund, such sums as may be necessary for the acquisition of lands and waters, and interests therein, for the Bayou Sauvage Urban National Wildlife Refuge; and

(2) $5,000,000 for the development of the refuge.

The moneys appropriated under paragraphs (1) and (2) shall remain available until expended.

SEC. 5. EFFECTIVE DATE.

This Act takes effect on the later of the date of enactment of this Act or October 1, 1986.

○